Research Project I

Streamlining the Overlapping Mandates of Judicial Academies in Pakistan

Final Report

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FEDERAL JUDICIAL ACADEMY

H-8/4, ISLAMABAD.

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EXECUTIVE SUMMARY

The scarcity of judges in Pakistan's subordinate judiciary puts the few who are working there under great pressure to deliver effective and efficient justice. Adding manifold to this pressure are a deficient legal education system and the increasing complexities and innovations in many areas of law. Under these conditions, judicial training becomes the most important tool through which judiciary can raise its own standards above and beyond what society prepares them for.

Pakistan is lucky to have four judicial academies for the pre-service and in-service training of its judicial officials: Federal Judicial Academy (est. 1988), Sindh Judicial Academy (est. 1993), Punjab Judicial Academy (est. 2007) and Balochistan Judicial Academy (est. 2010). Khyber Pakhtunkhwa Judicial Training Center (est. 2008) will become the fifth judicial academy as soon as it receive statutory mandate.

However, the statutory functions of the Federal Judicial Academy (FJA), pertaining to training of judges in the subordinate judiciary, overlap those of the judicial academies in Punjab, Sindh and Balochistan. This research report is aimed at exploring the extent of these overlaps in practice and suggesting ways of minimizing them so as to facilitate optimal use of the resources available with the respective academies.

Although there are a number of foreign federal jurisdictions imparting judicial training to their judges, the country whose organisational structure for judicial education most resembles that of Pakistan is India. Faced with a similar problem of overlapping mandates of the central and state judicial academies, the Indian Supreme Court and High Court judges who were responsible judicial education laid down general rules and procedures for allocation of work between the national and state academies. The Indian example can therefore guide judicial educators in Pakistan.

In order to closely analyse the problem in Pakistan, a questionnaire was sent to judicial academies in Punjab, Sindh and Balochistan. The replies to these questionnaires show that the all

the judicial academies in Pakistan, individually or collectively, train around one-third of the total number of lower court judges under their purview. This low percentage highlights deficiencies in academic resources available to the academies as well as difficulties in making judges available for training. The replies also revealed that the provincial academies are not particularly focusing on the contemporary legal issues facing our judges or society. This shows a lack of assessment of needs of trainees before they are invited to judicial academies.

However, in a question directly dealing with the allocation of work between the federal and provincial academies, all three provincial academies expressed their desire to undertake pre-service training of judges in the subordinate judiciary of their respective provinces. As for collaboration, the Punjab Academy, whose statutory mandate requires it to coordinate with Federal Judicial Academy, is quite willing. However, Sindh and Balochistan Academies, whose statutory mandates do not require coordination with the federal body, seem wary of (in case of Sindh) and impervious to (in case of Balochistan) suggestions for collaboration.

In light of the relevant statutes, literature and replies to the questionnaire, it is highly recommended that a Coordination Committee, consisting either of representatives of High Courts in the FJA's Board of Governors or individuals nominated by the Board of Governors of each academy, be formed and tasked to achieve three inter-related objectives: allocation of work, especially imparting pre-service training, between different academies to avoid duplication; systemisation of the process of making judges available for training; and assessing the training needs of judicial officials.

Such a Committee as proposed above should be formed on a clear understanding that its aim is to seek the common good of the subordinate judiciary in Pakistan, and not of any one of the various academies.

1. INTRODUCTION

According to Pakistan Economic Survey 2009-10, Pakistan had an estimated population of 169.9 millions as at end-June 2009;[1] and according to the National Judicial Policy 2009, announced at around the same time as the Economic Survey, Pakistan has a total of 1,789 judges in its subordinate judiciary.[2] This means there is one judge in the subordinate judiciary for every 94,969 people in Pakistan. The National Judicial Policy 2009 also states that the total pendency in the subordinate judiciary of Pakistan is 1,565,926[3] or at least 875 cases per judge. Both these ratios – that of judges to population and of judges to the number of cases pending – imply that the number of judges in the subordinate judiciary is insufficient to deal with either the number of people they are responsible for or the number of cases coming from those people. So while there is a great need to increase the number of judges, it becomes all the more important to improve the quality of justice provided by the existing judges. After all, it could very well be that an improvement in the quality of justice would lead to a decrease in the number of law suits, which, it is well known, are often frivolous.

The scarcity of judges in Pakistan's subordinate judiciary puts the few who are working there under great pressure to deliver effective and efficient justice. Adding manifold to this pressure are a deficient legal education system and the increasing complexities and innovations in many areas of law. Under these conditions, the question of finding a solution is not easy at all. Most of the problems facing the judiciary arise out of its political and technological context, which it can influence only indirectly, if at all. However, the least that the judiciary can do is to prepare its own officials, once they are recruited, to meet the needs of their profession. Seen in this light, judicial training becomes the most important tool through which judiciary can raise its own standards above and beyond what society prepares them for.

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[1] Pakistan Economic Survey 2009-10, Ministry of Finance, Government of Pakistan, Islamabad, p. 235 < http://www.finance.gov.pk/survey_0910.html>

[2] National Judicial Policy 2009, National Judicial (Policy Making) Committee, Islamabad, p. 8

[3] Ibid., p. 5

However, Pakistan has the issue of legal innovations common with most jurisdictions in the world. That is why "over the past 30 years, judicial education has emerged as an important new means to develop judicial competence and improve the quality of justice and the performance of courts around the world."[4] Although judicial education is a complex process, involving various institutional, political and academic considerations, its aim always is to equip judges with the tools to do their job effectively and efficiently.

Pakistan is lucky to have four judicial academies for the pre-service and in-service training of its judicial officials. Two of them, the Federal Judicial Academy (FJA) and Sindh Judicial Academy (SJA) have been in existence for more than fifteen years, while the remaining two, the Punjab Judicial Academy (PJA) and Balochistan Judicial Academy (BJA), have come into existence over the past three years. The Judicial Training Centre in Peshawar was established in 2008 under a notification by the Peshawar High Court. However, since the Centre has not yet received statutory mandate, its jurisdiction and functions remain to be established.

1.1 Research Question

Since the statutory functions of the Federal Judicial Academy (FJA) overlap those of the judicial academies in Punjab, Sindh and Balochistan, this research report is aimed at exploring the extent of these overlaps in practice and suggesting ways of minimizing them so as to facilitate optimal use of the resources available with the respective academies.

1.2 Methodology and Progress

This research project was pursued in the following steps:

1. The statutes and others materials, available in the public domain, pertaining to the federal and provincial judicial academies were obtained and studied.
2. The practices of judicial training institutions in other federal countries, especially the United States of America, Canada and India, were studied for comparison and guidance.
3. As a third step, a draft questionnaire and then a final questionnaire were prepared under the guidance of the senior staff of the FJA, Hon. Mr. Justice Tassaduq Hussain Jilani and Hon. Mr. Justice Jawwad S. Khawaja.

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[4] Livingstone Armytage, *Training of Judges: Reflections on Principle and International Practice,* European Journal of Legal Education, 2:1, p. 21.

4. The questionnaire was sent to officers responsible for the affairs of the provincial judicial academies in Punjab, Sindh and Balochistan, who sent in their considered replies and the documents requested to be appended thereto within a period of about two weeks.
5. The figures, opinions and documents received in response to the questionnaire were studied by the Research Associates so as to draw conclusions addressing the Research Question. In this regard, the Research Associates also solicited the views of senior officials of the FJA and discerned the foreign practices that can be introduced with profit into the judicial training system of Pakistan. Participants at the various training programmes conducted by the FJA have also been a source of guidance and insight for the Research Associates.

1.3 Structure of the Report

This report is divided into six chapters:

- Chapter 1 provides an introduction to the research question and the methodology employed in answering that question;
- Chapter 2 reviews the statutes governing various judicial academies to locate overlapping mandates;
- Chapter 3 presents a review of various foreign federal jurisdictions in order to compare their organisational structure for judicial education with that in Pakistan;
- Chapter 4 reviews the replies of the provincial academies to the questionnaire referred to above;
- Chapter 5 attempts to draw relevant conclusions from the information collated in Chapters 2, 3 and 4; and
- Chapter 6 makes recommendations to address the problem of overlapping statutory mandates.

2. JUDICIAL ACADEMIES IN PAKISTAN

This Chapter reviews the statutes governing various judicial academies in Pakistan and ends with identification of areas where they have equal or similar jurisdictions.

2.1 Federal Judicial Academy

Federal Judicial Academy is the oldest judicial education institution in Pakistan. It was established under a Government Resolution in 1988,[5] and was given a statutory cover as a corporate body under the Federal Judicial Academy Act (Act No. XXVIII of 1997).[6] Its Aims and Objectives include the orientation and continuing education of 'Judges, Magistrates, law officers and Court personnel', along with holding conferences and seminars and publishing research concerning the judicial system.[7]

While the Academy is managed by a Director General, its policies, annual budget and general supervision are the purview of a Board of Governors. The Board consists of nine members, with the Chief Justice of Pakistan as its chairman; the Minister for Law, Justice and Parliamentary Affairs (MLJPA) as its vice-chairman; and the Attorney General, Chief Justices of the four High Courts, Secretary for MLJPA and the Director General of the Academy as its members. The Director General of the Academy is also the secretary of the Board.[8] The Board is required to meet at least once in six months[9] and is authorised to appoint 'advisers, consultants and experts for assisting the Board in fulfilment of its aims and objectives'.[10]

Under Section 14 of the Act, the Director General is required to submit to the Board an annual report on the activities of the Academy during the previous year, while the Board is required to submit to the Federal Government an annual report on Academy's funds and programmes. It is to be noted however that the Academy has not produced its annual report since 2006.

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[5] http://www.fja.gov.pk/
[6] Federal Judicial Academy Act 1997, Section 3
[7] Ibid., Section 4
[8] Ibid., Section 5
[9] Ibid., Section 9
[10] Ibid., Section 8

2.2 Sindh Judicial Academy

Sindh Judicial Academy was established by the Sindh Judicial Academy Act 1993. The functions of the Academy include, inter alia, providing orientation and continuing education to "members of the subordinate judiciary", holding conferences and seminars and publishing research.[11] The phrase "members of the subordinate Judiciary" means "a District and Sessions Judge and Assistant Sessions Judge, Civil Judge and Judicial Magistrate *wherever he may be*"[12] [emphasis added]. Two observations can be made here: firstly, the functions of the Sindh Judicial Academy include all the aims and objectives of the federal academy as mentioned above; and secondly, the Act does not provide for any direction or mechanism to encourage or ensure coordination between the Sindh Academy and the Federal Academy.

The Act follows the same regulatory framework as provided for the Federal Judicial Academy, that is, a Board of Governors is made responsible for the policies and budget of the Academy[13] while the management of the Academy is given to the Director General.[14] The Board's obligation to meet at least once in every six months[15] and its authority to appoint advisers[16] and Director General's responsibility to submit an annual report[17] are also the same as they are for the federal academy. The last available annual report of the Academy is for the financial year 2007-08.

The Board for the Sindh Judicial Academy, however, has thirteen members, with the Chief Justice of the Sindh High Court (SHC) as its chairman; the senior puisne judge of SHC as its vice-chairman; and the Attorney General, Advocate General, Minister of Law, Secretary of the Law Department, Registrar of the Sindh High Court, the Director General of the Academy, one District and Sessions Judges, one senior member of the Bar, one principal of a law college and one renowned scholar (the last four to be nominated by the SHC Chief Justice) as its members.[18]

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[11] Sindh Judicial Academy Act 1993, Section 4
[12] Ibid., Section 2(f)
[13] Ibid., Section 6
[14] Ibid., Section 11
[15] Ibid., Section 10
[16] Ibid., Section 8
[17] Ibid., Section 15
[18] Ibid., Section 5

2.3 Punjab Judicial Academy

Punjab Judicial Academy was established under the Punjab Judicial Academy Act 2007. Its functions include, inter alia, imparting "pre-service and in-service training to the judicial officers and court personnel."[19] The phrase "judicial officers" means "a District Judge, a Sessions Judge, an Additional District Judge, an Additional Sessions Judge, a Senior Civil Judge, a Civil Judge, a Judicial Magistrate, a Special Judicial Magistrate or a presiding officer of a court or a tribunal *under the administrative control of the Lahore High Court*";[20] and the phrase 'court personnel' means "an employee of the establishment of the Lahore High Court, a court and a tribunal *under the administrative control of the Lahore High Court*"[21] [emphasis added]. Moreover, another function of the Academy is to "coordinate with other educational and training institutions including the Federal Judicial Academy."[22] It is noteworthy that the Punjab Act seeks a domain of operations limited to the province and encourages coordination with the federal academy, two things which are absent from the Sindh Judicial Academy Act 1993.

The regulator framework consisting of a Board of Management and a Director General of Academy, as envisioned for the Federal and Sindh Academies, has also been retained, without any modification in distribution of powers, for the Punjab Academy.[23] The Board however is required to meet at least thrice a year.[24] Here also, the Director General is required to submit an annual report to the Board.[25] The last available annual report is for the year 2008-09.

The Board consists of eleven members, with the Chief Justice of the Lahore High Court (LHC) as its chairperson: the remaining ten members comprise two judges of the LHC nominated by the chairperson, Chairman of the Planning and Development Board of the Government, Registrar of the LHC, Additional Chief Secretary of the Government, Secretary of the Finance Department, Secretary of the Law, Parliamentary Affairs and Human Rights Department, Principal of the

[19] Punjab Judicial Academy Act 2007, Section 4(a)
[20] Ibid., Section 2(i)
[21] Ibid., Section 2(d)
[22] Ibid., Section 4(j)
[23] Ibid., Sections 6, 8 and 9
[24] Ibid., Section 7
[25] Ibid., Section 14

Punjab University Law College, one District and Sessions Judge nominated by the chairperson and the Director General of the Academy.[26]

2.4 Balochistan Judicial Academy

Balochistan Judicial Academy has been established under the Balochistan Judicial Academy Act 2010. Its organisational structure and mandate are, in effect, replicas of those for Punjab Judicial Academy: its Aim and Objectives include, inter alia, "orientation and training" and "pre-service and in-service training and education of judges, Magistrates, Law Officers and Court Personnel."[27] Curiously though, the section on definitions defines none of the categories of judicial officers just mentioned in quotes; instead it only defines a "Judicial Officer", a category not mentioned in the Aims and Objectives. Despite a case of bad drafting, "judicial officer" has been defined to mean, like the Punjab Act, various judicial officials "*under the administrative control of the High Court of Balochistan*"[28] [emphasis added]. However, unlike the Punjab Act, the Balochistan Act contains no provision encouraging or requiring the Academy to coordinate with any other judicial academy or organisation.

The regulator framework consists of a Board of Governors and a Director General of the Academy, with exactly the same powers as they have in case of other judicial academies.[29] The Board is required to meet at least once every six months.[30] The Director General and the Board of Governors are both required to submit annual reports.[31]

The Board consists of seven members, with the Chief Justice of the Balochistan High Court (BHC) as its chairman and the senior puisne judge of the BHC as its vice-chairman. The remaining five members comprise the Registrar of the BHC, Secretary to the Finance Department, Secretary to the Government of Balochistan, a District and Sessions Judge to be nominated by the chairman and the Director General of the Academy (who is also the secretary of the Board.[32]

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[26] Ibid., Section 6
[27] Balochistan Judicial Academy, Section 4(a) and (b)
[28] Ibid., Section 2(h)
[29] Ibid., Sections 6 and 10
[30] Ibid., Section 9
[31] Ibid., Section 14
[32] Ibid., Section 5

2.5 Judicial Training Centre, Khyber Pakhtunkhwa[33]

A Judicial Training Centre was established in Khyber Pakhtunkhwa on 11th March 2008, through a Notification No. H (a) 43/Trg-I-II-III-IV-V/, signed by Registrar, which reads:

> "Whereas the proper training of Judicial Officers and Court Personnel is necessary, in order to improve the professional competence of Judges and Court staff, and to enhance the quality of justice administered in Courts;
>
> And whereas the provincial government shall be asked to establish a full fledged Provincial Judicial Academy at Peshawar in due course of time;
>
> Now, therefore, the Chief Justice is pleased to notify a Provincial Judicial Training Centre at Peshawar with a Director for making arrangements towards the end of capacity building of the Judges and staff of Courts."

According to Peshawar High Court's website, the Judicial Training Centre "is hectically working on a draft law to convert the Centre into a Provincial Judicial Academy."

The administrative structure of the Centre is as follows: Mr. Justice Syed Yahya Zahid Gilani, Judge, Peshawar High Court, is the informal Judge In-Charge of the Judicial Training Centre. Mr. Khurshid Iqbal, Additional District and Sessions Judge, was appointed as the first Director of the Centre.

Currently, the Centre is coordinating a basic computer orientation programme for all judicial officers of the NWFP, which is organised by the Institute of Computer and Management Sciences, Peshawar.

However, no reply to the Questionnaire was received from the Judicial Training Centre, probably because it does not yet have the status of a provincial judicial academy.

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[33] Peshawar High Court website < http://www.peshawarhighcourt.gov.pk/nwfp_JTC.php>: Accessed 20 June 2010.

2.6 The Problem of Duplication

As is obvious from the review of the statutes above, officials in the subordinate judiciary are common and most important recipients of training at all the judicial academies in Pakistan. Also notable are the jurisdictions of the three provincial academies: while the jurisdiction of Punjab and Balochistan Academies is limited to the administrative control of the High Court, Sindh Academy can competently invite a judge "wherever he may be" for training. This means that, so far as subordinate judiciary is concerned, the Federal Academy and the Sindh Academy have exactly the same statutory mandates. Table 1 summarises the points of comparison among the statutory mandates of the four judicial academies.

TABLE 1: STATUTORY FUNCTIONS OF THE FEDERAL, SINDH AND PUNJAB AND BALOCHISTAN JUDICIAL ACADEMIES

Sr. No.	Federal Judicial Academy Act, 1997	Sindh Judicial Academy Act, 1993	Punjab Judicial Academy Act, 2007	Balochistan Judicial Academy Act 2010
1. Orientation	Orientation and training of new - judges, - Magistrates, - law officers, - Court personnel.	Legal orientation, training of - members of the subordinate judiciary, - law officers, - members of the bar.	Impart pre-service and in-service training to - the judicial officers, - court personnel.	Orientation and training of new - judges, - Magistrates, - Law Officers, - Court Personnel, - Any other person or group.
2. In-service	In-service training and education of - Judges, - Magistrates, - law officers, - Court personnel.	Continuing education of - members of the subordinate judiciary.	Impart pre-service and in-service training to - the judicial officers, - court personnel.	Pre-service and in-service training of - Judges, - Magistrates, - Law Officers, - Court

				Personnel.
3. Jurisdiction	unspecified but presumably federal, covering all areas of Pakistan	"wherever he may be"	"under the administrative control of the Lahore High Court."	"under the administrative control of the Balochistan High Court."
4. Coordination with other institutions	NO PROVISION	NO PROVISION	Coordinate with other educational and training institutions including the Federal Judicial Academy;	NO PROVISION

3. ORGANISATIONAL STRUCTURE FOR JUDICIAL EDUCATION - FOREIGN PRACTICES

In terms of the formal organisational structure for delivering judicial training, a variety of different approaches have been taken in foreign jurisdictions. At one end of the spectrum are the formal state judicial schools - such as in France, Spain, Portugal, and Germany - funded by government ministries but controlled predominantly by the judiciary and involved in both the recruitment and training of judges. At the other end are less structured training organisations with no formal premises, usually either committees within judicial associations – such as in Denmark and Italy - or units located within ministries of justice, which is the case in Austria, the Netherlands and Finland.[34]

Common law jurisdictions have tended to adopt the formal judicial school model but with a strong affiliation to a university. The United States, Canada and Australia are good examples of this model.

To elucidate these general organisational approaches to judicial education, this chapter will elaborate on the judicial training structures in place in Spain, the United States, Canada and India. These examples will also help understand which country has a model most resembling that in Pakistan and, also, which features of such models can Pakistan adopt with benefit.

3.1 Spain[35]

The *Escuela Judicial* (Judicial School) in Madrid is perhaps the most active and innovative of all the European judicial training organisations, with programmes at the regional, national and

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[34] Dr. Cheryl Thomas, *Review of Judicial Training and Education in Other Jurisdictions,* a report prepared for the Judicial Studies Board, London, May 2006: p. 27. Also see websites: for France, Ecole Nationale de la Magistrature (French National Judicial School < http://www.enm.justice.fr/>; for Spain, Consejo General del Poder Judicial < http://www.poderjudicial.es/>; for Portugal, Centro do estudos judiciaries < http://www.cej.pt/>; for Germany, Deutsche Richterakademie (German Judicial Academy) < http://www.deutsche-richterakademie.com/>; for Denmark, Danish Justice Ministry < http://www.domstol.dk/>; for Italy, Consiglio Superiore della Magistratura < http://www.csm.it/>; for Austria, Austrian Ministry of Justice < http://www.justiz.gv.at/>; for Finland, Finnish Justice Ministry < http://www.om.fi/>: Accessed 20 June 2010.

[35] Thomas, op. cit., p. 27-28

international levels. It organises the continuing education programme for Spanish judges through a specialised commission (*Comisión Pedagógica*) which is appointed each year by the Director of the School. The Commission is made up three members of the Judicial School, one representative from each of the three professional associations of judges in Spain and four judges from each court jurisdiction (civil, criminal, administrative, and labour jurisdictions). The programme of continuing education for judges is approved every year by a plenary session of the Spanish judicial self-governing body, *Consejo general del poder judicial* (CGPJ). Its budget is approximately 3 million Euros.

3.2 The United States

There are three main judicial training and education bodies in the United States: the National Judicial College (a private entity open to all judges), the Federal Judicial Center (a public entity for federal judges and court staff) and the National Center for State Courts (a private entity for state court judges).

3.2.1 National Judicial College, Reno[36]

The National Judicial College (NJC) was established in 1963 by the American Bar Association, as a private, non-profit educational institution, offering a variety of courses to judges and other court officials at the University of Nevada campus in Reno. It now also offers courses at other sites across the United States. Participants include state trial judges, special court judges and magistrates, federal and appellate judges and administrative law, military, and Native American tribal court judges. The NJC faculty consists of judges and industry professionals, and judges, lawyers and law professors serve without compensation as members of the NJC faculty. The College has a 10-member Faculty Council which represents the interests of the volunteer faculty, and is responsible for ensuring that teaching standards are maintained. According to the NJC website, "The NJC offers an average of 90 courses annually with more than 2,000 judges enrolling from all 50 states, U.S. territories and more than 150 countries."

This is a somewhat unique model, relying as it does on private donations and corporate sponsorships, rather than on government funding. In other jurisdictions this model might raise

[36] Information in this section is based on NJC website < http://www.judges.org/> and Thomas, op. cit. p. 29-30

questions about the compatibility of private funding with judicial independence. However, private funding has, among other things, enabled the NJC to create a dedicated judicial education endowment fund program to enable individual states and courts to obtain training without having to use their own limited budgets.

3.2.2 *Federal Judicial Center, Washington D.C.*[37]

In 1967, the U.S. Congress enacted legislation to create the Federal Judicial Center (FJC), an independent education and research agency within the judicial branch of the federal government. The FJC receives federal government funding to conduct education and training programmes for federal judges and federal court employees; to conduct research on issues of court administration; and to explore new technology for the federal court system. By statute, the Chief Justice of the United States chairs the Center's Board, which also includes the director of the Administrative Office of the U.S. Courts and seven judges elected by the Judicial Conference. The Board appoints the Center's director and deputy director; the director appoints the Center's staff.

The Education Division of the Center plans and produces educational programmes, services, and resources for judges and for non-judicial court personnel, such as those in clerk's offices and probation and pre-trial services offices. The Research Division undertakes empirical and exploratory research on federal judicial processes, court management, and sentencing and its consequences, often at the request of the Judicial Conference and its committees, the courts themselves, or other groups in the federal system.

3.2.3 *The National Center for State Courts, Williamsburg*

The National Center for State Courts is a private, non-profit organisation that "relies on the financial support of companies, law firms, foundations, and individuals to assist the state courts and continue its work to improve the administration of justice."[38] The NCSC was established in 1971, on calls given by Chief Justice Warren E. Burger, as a central resource to improve the

[37] This section is based on information available at FJC website < http://www.fjc.gov/>: Accessed 21 June 2010.
[38] NCSC, Annual Report 2009, p. 21

ability of the state courts to dispense justice in a fair and efficient manner.[39] This is accomplished primarily through direct expert assistance, national conferences, education and training courses, and information exchanges. The NCSC Board of Directors for 2009-10 was chaired by the Chief Justice of the Supreme Court of Utah, and included several officials of state Supreme Courts, prominent lawyers, judicial educators and corporate donors.[40]

The NCSC began its operations at the headquarters of the Federal Judicial Center in Washington, D.C., before moving to its permanent headquarters in Williamsburg in 1978.[41] The NCSC library in Williamsburg, Virginia, is the largest international lending library on court administration in the world.[42]

3.3 Canada[43]

As in the United States, judicial training and education in Canada is also delivered by a number of different organisations, with the main institution being the National Judicial Institute (NJI). The National Judicial Institute, located in Ottawa, was established in 1988, as an independent, non-profit organisation that plans, coordinates and delivers judicial education dealing with the law, the craft of judging and social context. The NJI is responsible for the overall coordination of judicial education in Canada, in addition to being a primary education deliverer. The Board of Governors is chaired by the Chief Justice of Canada and is made up of federal judges and academics. The NJI was originally located at the University of Ottawa, and even though it has moved its premises off campus it still retains an affiliation with the university.

The NJI is not the sole organisation providing education to Canada's judiciary. Other organisations involved in judicial training include the courts themselves, the Institute for the Administration of Justice and the Association of Provincial Judges.

Each of Canada's courts provides education to the judges who sit on that court. Approximately fifty percent of the education available to Canada's judges is delivered at the court level, and

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[39] Ibid., p. 3
[40] Ibid., p. 2
[41] NSCS website, < http://www.ncsc.org/Web%20Document%20Library/AboutUs_Mission.aspx>: Accessed 21 June 2010.
[42] Thomas, op. cit., p. 31
[43] This section is based on information available at NJI website <http://www.nji.ca/>: Accessed June 21, 2010.

some courts have extensive judicial education programmes.[44] The courts in fact, deliver much of the NJI curriculum.

The Canadian Institute for the Administration of Justice is mandated to improve the quality of justice for Canadians, and it focuses on developing judicial skills through its new judges programme, introductory and advanced decision-writing seminars, and an administrative law programme.

The Canadian Association of Provincial Court Judges (CAPCJ)[45] is a federation of provincial and territorial judges' associations, and its membership includes most of the over 1,000 provincial and territorial judges in Canada. CAPCJ and NJI have established a partnership in developing distance education courses, and CAPCJ was also a participant in the development of the skills-based program for newly appointed judges.

3.4 India

The structure of judicial education in India is the closest to that in Pakistan and there is much that can be learned from the Indian experience and applied in Pakistan.

India has a National Judicial Academy (NJA) and 16 state judicial academies (SJAs).[46] Before 2006, judicial education in India was facing precisely the same problem which is the topic of this report: the NJA mandate concerning the judicial training of district judiciary overlapped the mandates of the existing state judicial academies, thus causing much confusion among the administrators of judicial academies.

3.4.1 Structure of National and State Judicial Academies

Before stating how the Indians resolved this problem, it would be useful to outline the administrative and academic structure of the NJA and SJAs. The NJA was established on Teachers Day (5 September in India) in 2002 as 'society' registered under the Societies

[44] Thomas, op. cit., p. 32

[45] See the website of CAPCJ <http://www.judges-juges.ca/en/home/>: Accessed 21 June 2010.

[46] A survey of websites of NJA and state judicial academies shows that the following states have a judicial academy: Andhra Pradesh, Chhattisgarh, Delhi, Himachal Pradesh, Karnataka, Madhya Pradesh, Punjab and Haryana (there is one for both in Chandigarh), Rajasthan, Uttar Pradesh, Tamil Nadu, Gujarat, Jammu and Kashmir, Kerala, Maharashtra, Bihar, Jharkhand.

Registration Act, 1860.[47] Although it is a society, the NJA is fully funded by the Indian government and supervised by the Supreme Court of India. The 'aims and objects' of NJA include, inter alia, 'To provide training to the judicial officers of the States/Union Territories', 'To provide continuing judicial education to judicial officers of the States/Union Territories', and 'To provide facilities for training of the ministerial officers working in the Supreme Court of India'. NJA is governed by four bodies: a General Body, a Governing Council, an Academic Council and an Executive Committee. By virtue of the powers assigned to them, the Governing Council and the Academic Council are of most importance.

The Governing Council is responsible for the 'administration, management and control' of NJA. It has eight members, including the Chief Justice of India (as its chairman), two judges of the Supreme Court, Secretaries to the Departments of Justice, Legal Affairs and Finance, Secretary General of the Supreme Court and the Director of NJA (who is also the convener).

The Academic Council currently has the following members: the Chief Justice of India (as its chairman), three judges of the Supreme Court, a former chairman of the Law Commission of India, a sitting judge and a former judge of the Delhi High Court, Additional Solicitor General of India, three senior advocates of the Supreme Court, a former secretary general of the Supreme Court, a former additional director of Delhi Judicial Academy and the Director of NJA.

The state judicial academies were the pioneers in judicial education in India. They starting appearing as early as 1980s and there were at least 13 such academies in existence when the National Judicial Academy was established in 2002. These academies aim at, as does the NJA, at the orientation and continuing education of the state judiciary. These academies are mostly controlled directly by the High Courts, generally in an organizational structure where the Chief Justice of the High Court is the Academy's patron-in-chief, a puisne judge is the president and three or four puisne judges are members of the board of governors. For example, Tamil Nadu *State Judicial* Academy has the Chief Justice of the Madras High Court as its patron-in-chief, a puisne judge as the president and three other puisne judges as members of the board of

[47] NJA's Memorandum of Association and Rules and Regulations are available on the Academy's website (http://nja.nic.in/nja-charter.html). Accessed: 20 June 2010.

governors.[48] Gujarat State Judicial Academy also has the same structure.[49] Delhi Judicial Academy is controlled by Delhi High Court's Judicial Education and Training Programme Committee, comprising the chief justice (as patron-in-chief) and three puisne judges of the Delhi High Court.[50]

3.4.2 National Judicial Education Strategy – Consensus and Change

Coming back to the question of NJA's overlapping mandate with the SJAs, it can be imagined that some kind of collaborative effort must have been necessary to resolve this problem, and in fact, this was precisely what was done. To resolve this problem, along with others, High Court judges in charge of judicial education met in 2006 and developed the National Judicial Education Strategy (NJES). In October 2006, a meeting of the Academic Council of the National Judicial Academy, chaired by the Chief Justice of India, adopted this strategy.

The NJES "defines the philosophy, vision and mission of national judicial education."[51] It also "aims to scale up national judicial education so as to provide every Judge an opportunity to participate in judicial education – at the state or national level - for at least one week each year."[52] Along with resolving many other issues, the NJES lays down the general principles for allocation of work between NJA and SJAs. Broadly speaking, the orientation or pre-service training of all judicial officials in states/union territories was assigned to the NJA while the continuing or in-service judicial education was assigned to the SJAs. The NJA is also required to provide such continuing education as is necessary for "gap-filling", that is, to cover subjects on which SJAs are not providing continuing education; on issues of national importance, such as delay reduction; and to study subjects at levels more advanced than may be done at the SJAs. A table from the NJA website summarises this division of subjects:

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[48] Website of Tamil Nadu State Judicial Academy <http://www.hcmadras.tn.nic.in/jacademy/boardofgovernors.html> Accessed 20 June 2010

[49] Website of Gujarat State Judicial Academy < http://gujarathighcourt.nic.in/gsja/Administration.html > Accessed 20 June 2010.

[50] Website of Delhi Judicial Academy <http://judicialacademy.nic.in/> Accessed 20 June 2010.

[51] *National Judicial Education Strategy*, prepared by National Judicial Academy, 27 September 2006. Available at < www.supremecourtofindia.nic.in/NJES_FINAL.doc>. See also the page on NJES available at the NJA website <http://nja.nic.in/njes.html>: Accessed 20 June 2010.

[52] National Judicial Academy, Annual Report 2008-09, p. 1: available at <http://nja.nic.in/images/annual-report.pdf>

	SJA	NJA
Induction Education (CJJD/JMFC/MM)[53]		X
Orientation Education for Direct Recruits to DJ[54] level		X (one week orientation module at NJA, Bhopal)
Continuing Judicial Education (CJE)	As needed to meet needs of judges	In the following three areas: (1) "Gap Filling" - CJE on subjects where SJAs are not providing CJE. (2) CJE on issues of national importance (e.g., delay and arrears reduction and quality and responsiveness of justice). (3) Advanced CJE, at a higher level than what may be provided at SJA level
"Gatekeeper" education (education needed to equip judges with necessary knowledge and skills for new assignments)		As needed for "gap filling", i.e., to meet needs that are not provided by SJAs
Programmes for High Court	X	(1) Orientation Colloquia for

[53] CJJD stands for Civil Judge Junior Division, JMFC for Judicial Magistrate First Class, and MM for Metropolitan Magistrates.
[54] DJ stands for District Judge.

Justices		Recently Elevated Justices; (2) Conferences of High Court Justices on Development of Law and Justice Systems

The allocation of work envisioned above can be seen in practice through NJI's Annual Report for 2008-09. From 8-12 August 2008, around 30 newly appointed Additional District Judges from across the country participated in an orientation programme, which involved intensive discussion on the vision of the subordinate courts in 2020, the role of the courts and the judge, the constitutional vision of justice, and judicial method.[55] Similarly, an induction programme for new recruited Civil Judges (Jr. Division) was held from 16 to 27 April, 2009. This programme was "conceived with the objectives of providing the newly appointed judges a national perspective of the challenges facing judicial system and their role in meeting such challenges."[56]

3.4.3 Curriculum Development

The first step in NJA's curriculum development process is the preparation of a Judicial Education Needs Assessment based on a survey of all judges to ascertain their judicial education needs. This was done for the first time in February-March, 2007. The High Courts reviewed and approved the needs expressed by judges. High Courts also then determined areas of judicial education that would be delivered by their State Judicial Academy and areas to be delivered by the National Judicial Academy. High Court Justices in charge of judicial education then met at NJA to discuss the proposed NJA Calendar for 2007-2008 and also their own proposed calendars. The aim of this elaborate process of consultation was to develop a Coordinated National Judicial Education Calendar for the country, which was achieved in the form of NJA calendar for 2007-08.[57]

[55] NJI, Annual Report 2008-09, p. 9-10
[56] Ibid., p. 64
[57] From NJES, op. cit.

4. QUESTIONNAIRE

The underlying idea behind the questionnaire was determining how best the judicial academies can meet the demand for judicial education in Pakistan while keeping in view the resources available to them. The questionnaire was thus designed to achieve two objectives: firstly, to gauge the demonstrable administrative and academic capacities of provincial judicial academies; and, secondly, to solicit their views on coordinating their work with the Federal Judicial Academy. The questions pertaining to the first objective took the last fiscal year, 2009-10, as its sample and probed the Academies for quantitative data on the pre-service and in-service training they had provided to various classes of judicial officials during that year. The questions pertaining to the second objective were qualitatively stated in a clear and concise manner. The most relevant questions, whose answers are discussed below, were stated as follows:

F. "Do you think the Academy is satisfying the training needs of the judicial officials in the Province? If yes, how? If not, how and why?

G. Since the statutory functions of the Academy and the Federal Judicial Academy overlap (see Annexure I for a detailed comparison), do you think the Federal Judicial Academy can take up some of the functions of the Academy, for example,
   a. in-service training for some classes of judicial officials, and/or
   b. some specialized courses such as those on the Constitution, Company Law, Islamic law, computer literacy, for a category of judicial officers i.e. who are seniors or have special aptitude for such subjects.

H. Would such a collaborative arrangement as proposed in the previous question be more effective for the purposes of judicial education than the existing practice? If yes, how?"

The questionnaire kept the categorisation of trainees broad and included law officers, court personnel and any other category of officers the Academies had trained. However, for the purposes of this report, only figures pertaining to subordinate judiciary - that is Civil Judges and Judicial Magistrates (CJ/JMs), Senior Civil Judges (SCJs), Additional District and Sessions Judges (ADSJs) and District and Sessions Judges (DSJs) – are mentioned and analysed below.

The subjects whose inclusion in Academies' curricula was specially probed were gender sensitisation, alternative dispute resolute (ADR), computer literacy, using online resources and writing skills.

The next two sections, in turn, review the information and opinions provided by the provincial judicial academies in response to the questionnaire.

4.1 Meeting the Demand: Number of Trainees and Subjects

4.1.1 Punjab Judicial Academy

From July 2009 to May 2010, the Punjab Academy had trained 69 Civil Judges and Judicial Magistrates, 18 Additional District and Sessions Judges, but no Senior Civil Judges or District and Sessions Judges. This means that the Academy has provided training to 87 officers in Punjab's subordinate judiciary, out of a total of 951[58] – a meagre 9 per cent. If the 229 newly appointed CJ/JMs who are soon going to receive training at the Academy are also included in these figures, the percentage of trainees in the subordinate judiciary still reaches only 27 per cent.

As for subjects, of the five courses conducted by the Academy, none of them had gender sensitisation as one of its components. However, ADR, computer literacy, using online resources, and writing skills were part of all the courses.

In response to Question F, pertaining to satisfying the needs of judicial training, the Academy's replies was "Yes and No." The reply went on to explain the negative part of the answer and stated that the expertise of the Bar and the Bench "**is very scarce**" [emphasis original] when it comes to training officials in the various new laws recently introduced in Pakistan, such as those pertaining to electronic crimes, money laundering, competition commission and monopoly control, consumer protection, intellectual property and environment. The reply stated that the Academy intends to develop an ambitious research and development programme which would seek collaboration with various internationally renowned organisations and individuals in order to provide effective training in the aforementioned areas of law.

[58] National Judicial Policy 2009, op. cit. p. 8

The reply however does not state how it is satisfying other needs of judicial training, but seems to assume that there is nothing lacking in the judicial training it is providing in other, conventional areas of law.

4.1.2 Sindh Judicial Academy

The reply states at the outset that the Academy does not have a regular training plan and that, "The Academy provides training to Judicial Officers or other Officers connected with judicial work only if request is made for such training with the approval of the Hon'ble Chief Justice, High Court of Sindh."

According to the reply, there are 238 CJ/JMs in the province, of which 66 received training from July 2009 to May 2010. On average, the Academy is training 6 CJ/JMs a month and 72 a year. This means that only 30 per cent received training during the last year. For Senior Civil Judges, this ratio is 14 per cent (12 out of 85); for Additional District and Sessions Judges, this ratio is 21 per cent (19 out of 90); and for District and Sessions Judges, this ratio is 29 per cent (7 out of 24). As a whole, of the 437 officers of the subordinate judiciary in Sindh, only 110 (or, 25 per cent) received any training from the Academy.

As for subjects, the Academy arranged a total of ten courses from July 2009 to May 2010, but a not a single course had gender sensitisation, writing skills or ADR as one of its components. Computer literacy and using online resources were taught only to Additional District and Sessions Judges.

In response to Question F, the Sindh Academy believes that it is "to a great extent satisfying the training needs of the Judicial Officers." The Academy believes so because it "has developed an institutional culture and has designed syllabus of different courses and training manuals."

However, the reply also acknowledges that the "in-service training has been hampered due to shortage of Judges. Consequently, mostly for administrative reasons, in-service Judges cannot be relieved for training."

4.1.3 *Balochistan Judicial Academy*

Balochistan Judicial Academy is not yet six months old. It has only undertaken two courses so far for 16 Civil Judges and Judicial Magistrates.

4.1.4 *Federal Judicial Academy*

In the year 2009-10, the FJA organised 24 courses for a total of 345 judges in the subordinate judiciary (19 per cent of a total of 1789),[59] and in the year 2010-11, it plans to provide judicial training to 410 such judges.[60]

In addition to hosting trainees from all over Pakistan, including Gilgit-Baltistan and Azad Jammu and Kashmir, the Academy has been particularly active in introducing its trainees to cutting edge legal issues in Pakistan, such as ADR, gender sensitisation and communication skills. In September 2009, it arranged a one-week orientation course on 'skill-based ADR training' for 25 civil judges. In November 2009, the Academy arranged a two-day workshop on communication skills for 20 ADSJs. During the year 2009-10, the Academy arranged three courses, one each for CJs, DSJs and ADSJs, focusing exclusively on gender-related issues. In June 2010, it also hosted 20 female judicial officials for a week-long consultative workshop on problems faced by them.

4.2 Suggestions for Change

This section considers the replies received to the questions pertaining to duplication of work between the Federal and provincial academies.

4.2.1 *Punjab Judicial Academy*

Punjab's reply to Question G, pertaining to suggestions for collaboration, is as follows:

> "In our view, broadly speaking, the scope and spheres of Federal Judicial Academy and Provincial Judicial Academies can be divided into two broad categories:
>
> i) Administration of Justice,

[59] *Judicial Education Course Calendar 2009-10*, Federal Judicial Academy, Islamabad, June 2009.
[60] *Judicial Education Course Calendar 2010-11*, Federal Judicial Academy, Islamabad, June 2010.

ii) Case Management by Presiding Officers and dispensation of Justice.

Federal Judicial Academy may concentrate on District level Administration of Justice and their trainees should be the District & Sessions Judges, the Senior Civil Judges and the Federal Administrative Officers (DMG etc.) who exercise judicial powers in one form or the other. The idea is that the Judges who are more involved in the administration of Justice rather than the direct dispensation of justice to the litigants should be given the administrative skills or distribution of cases according to their importance keeping in view territorial jurisdictions, inspection of courts and checking of the court registers/records etc.

....

On the other hand, Provincial Judicial Academies should concentrate on Pre-service training and dispensation of justice to litigants and case management by the Presiding Officers on District Level."

The reply to Question H, pertaining to the benefits of collaboration, was as follows:

"It does not reflect any academic collaborative arrangement. The diversion of functions should not be on the subject of law basis rather it should be on actual functional basis i.e. Administration of Justice and Court Management System may be the subject/sphere of the Federal Judicial Academy while all other applicable law should be the subject of Provincial Judicial Academies."

Although references to 'administration of justice' and 'dispensation of justice' are rather vague, it is at least clear that the Punjab Academy desires to exclusively impart pre-service training to new recruits in the subordinate judiciary of the province.

4.2.2 Sindh Judicial Academy

Punjab's reply to Question G, pertaining to suggestions for collaboration, is as follows:

"It is a very complex question requiring deep comparative study of the functions of the Federal Judicial Academy and the Provincial Academies. One week is not sufficient for such study. However in due deference it may be stated that the

Federal Judicial Academy need not take over any of the functions of the Provincial Judicial Academies but plan should be made for cooperation and uniformity in program selected for training by the Judicial Academies. The Courts at Provincial level have to deal with cases under local and provincial laws which are different in every province. Therefore it would not be advisable to take over the functions of any Academy. Rather effective arrangements should be made by the Federal Judicial Academy to develop co-operation and provide assistance in research as and when required by the Provincial Academies.

The development of specialized courses on the Constitution, Company Law, Islamic Law, Income Tax Law, Cyber Laws and Computer Literacy should be taken. The course may be developed in consultation with Provincial Academies. In developing such courses Provincial Academies should be taken in confidence and should be associated through out.

Presently much emphasis is being given to Alternative Dispute Resolution which needs to be developed at Provincial level."

The reply to Question H, pertaining to the benefits of collaboration, was as follows:

"The collaborative arrangement is always helpful in development of the institution but there should be understanding, cooperation and need assessment amongst the members participating in it. In various countries there are Academies to develop legal profession and the judiciary but they act independently, seeking each others cooperation. The idea of having a central Academy in the name of Federal Judicial Academy will be a disaster in the development of continuing education and training of the judges of Subordinate Courts."

It seems the Sindh Academy is quite wary of any attempt to centralise judicial training in the hands of the Federal Academy. However, the reference to "local and provincial laws which are different in every province" suggests that Sindh Academy, like its counterpart in Punjab, at least wants to be the exclusive trainer of new recruits in the subordinate judiciary of the province.

4.2.3 Balochistan Judicial Academy

Balochistan Academy's short reply to Question G was as follows:

> "As suggested in sub-clause (b) some specialized courses including Banking Laws, Intellectual Property, Sales Tax, Income Tax, Mercantile Law and Foreign Exchange preferably for District and Sessions Judges can be arranged by the Federal Judicial Academy."

Since the answer avoids talking about even in-service training, it suggests a silent, as opposed to Sindh's vocal, scepticism of any effort to take away any of the statutory functions of the Academy.

4.2.4 Federal Judicial Academy

The officials of the Federal Judicial Academy were also asked the same questions as those put to the provincial academies. The gist of the Federal Academy's views is that the Federal Academy should act as an umbrella organisation for judicial training in Pakistan. Although, the nature and extent of Federal Academy's control over the provincial academies remains unspecified, the Academy nevertheless desires steps in that direction.

However, it is noteworthy that during the past fiscal year, the Academy did not undertake any course for training new recruits in the subordinate judiciary, nor does it plan to do so in the fiscal year which just started. So it is evident that a practice is taking roots, that of imparting pre-service training to new recruits in the provincial academies.

5. SYNTHESIS

Chapter 4 provide crucial insights into the demonstrable capacities and the inclinations of provincial academies. This chapter will use those insights and analyze them in conjunction with relevant practices in foreign countries, as noted in Chapter 3.

5.1 Needs Assessment: Number of Trainees and Subjects

On the basis of the first Section 4.1, the following table can be constructed for comparison:

TABLE 2: LOWER COURT JUDGES TRAINED DURING 2009-10

Subordinate Judiciary	Punjab	Sindh	Balochistan	Federal	Total Trained	Total Working Strength	Percentage Trained
CJ/JMs, SCJs, ADSJs, DSJs	316[61]	110	16	345	787	2,034[62]	39 percent

The question is whether or not 38 per cent is an adequate figure for lower court judges trained annually. And the answer is simply in negative. First of all, at this rate, it will roughly take three years for every judge in the subordinate judiciary to receive training on new developments in their professional field. Since the recent rates of innovations in legal questions and relevant professional technologies have rendered three years to be a long time in the evolution of legal discipline, it is plain that every judge must be offered training on latest issues at least once a year to keep him or her abreast with tides of time. In fact, such a low turn over in training may very well explain in part why Punjab Judicial Academy believes that the expertise of the Bar and the Bench "is very scarce" [emphasis original] when it comes to training officials in the various new laws recently introduced in Pakistan.

[61] This figure adds 229 new CJ/JMs soon to be trained by the Punjab Academy.
[62] This figures adds 229 (new recruits in Punjab) and 16 (new recruits in Balochistan) to the total figure (1,789) for subordinate judiciary calculated from National Judicial Policy 2009, p. 8

Secondly, examples from abroad also highlight the sheer inadequacy of training only 39 per cent of judicial officers every year. In the United Kingdom, the Judicial Studies Board - which exclusively provides training to all judges in the country - asked *"all salaried judges"* to book a seminar of their choice from a given list for the period April 2010 - March 2011[63] [emphasis added]. Similarly, in 2009, the Federal Judicial Centre in the US provided training to 2,058 federal judges,[64] which is also roughly the figure for the total number of judges in the federal judiciary in the year 2009.[65] Even in India, the National Judicial Education Strategy aims to provide training to every judge for at least a week *every year*. The present statistics for Pakistan clearly show that we are at least three times behind England, the US and India in training our judges, and that the ideal in judicial education should be providing some training to every judge at least once a year.

However, the subjects taught in the Federal and provincial academies present a better picture. The subjects deemed most important in recent years, such as gender sensitization, ADR, computer literacy and writing skills find adequate space in the curricula of some, if not all, academies. However, this observation must be read subject to the fact that no method of testing the effectiveness of their training is employed by any of the Academies.

Although the Academies do teach most of the subjects mentioned in the Questionnaire, it is evident that none of them, except the FJA, has based its curriculum on an assessment of judicial officials' need for judicial education. Moreover, FJA did the needs assessment as early as 2002:[66] there has not been a second needs assessment, nor has the curriculum based on the first needs assessment been modified in any major way.

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[63] Annual Report 2009-10, Judicial Studies Board, p. 11 < http://www.jsboard.co.uk/ >: Accessed 5 July 2010.
[64] FJC Annual Report 2009, p. 7
[65] There are 875 Article III judgeships (including judges of the Supreme court, Court of Appeals, District Courts and Court of International Trade) and 988 non-Article judgeships (352 in Bankruptcy Courts, 567 in Magistrate Courts, 24 in Court of Federal Claims, 7 in Panel on Multidistrict Litigation, 9 in Court of Appeals for Veteran claims, 24 (including 5 special judges) on Tax Court and 5 on Court of Appeals for Armed Forces). The total adds up to 1,863, which highlights the fact a few hundred judges, not reflected in these figures, are also employed to assist the Authorized Judges. These figures are aggregated from the websites of the various courts mentioned herein.
[66] Federal Judicial Academy, *Annual Report 2002-2003*, Islamabad, 2003.

5.2 Opportunities

Despite the grim picture presented by the number of judicial officers trained each year by judicial academies in Pakistan, there are sufficient existing resources which can be brought together to obtain optimal output. Three such resources are mentioned below.

Firstly, the training materials, including the manuals and slideshows, prepared by the Sindh Judicial Academy are a great step towards systemisation and sharing of resources for judicial training. It would be really useful for other academies to consider these materials while preparing their own curricula.

Secondly, the Federal, Punjab and Sindh judicial academies have all established links with international organisations and individuals for training their participants as well as training of trainers. Sharing these links can help all academies cover an ever increasing number of judicial officers and legal subjects.

Thirdly, the Federal Judicial Academy has been showing great enthusiasm for such advance courses as gender sensitisation and ADR. Perhaps, FJA can carve out a niche for itself in such issues of national importance. Moreover, the FJA is also playing an indispensable role in bringing officials from different provinces, as well as Gilgit-Baltistan and AJK, together on its campus, thus allowing them to share their views with their colleagues from other jurisdictions.

Lastly, and most importantly, there is reason to believe that all academies can in fact come together for mutually beneficial cooperation. In December 2010, the Federal Academy hosted a three-day Training of Trainer programme for all the judicial academies with at least three resource persons from each academy. This programme was titled "Technical exchange programme between FJA and provincial judicial academies." It is evident that channels of communication between different academies do in fact exist. What is needed is putting more traffic on these channels. In this regard, it is worth mentioning an example from India: one of the programmes conducted by the National Judicial Academy in July 2008 was a two-day Meeting of the Directors of State Judicial Academies on sharing and exploring effective research

techniques and tools for judges.[67] This example illustrates that the senior staff of the judicial academies in Pakistan can also come together to share their experiences and learn from each other.

5.3 Obstacles

There are two major, quite sensitive obstacles in moving towards profitable collaboration among the judicial academies.

First obstacle is the reluctance of the Academies to concede that they are not doing enough to maintain high standards in judicial education and that there is an immediate need for action to improve their performance. Acknowledging some of the problems highlighted above, such as absence of regular periodic needs assessment and absence of mechanisms to gauge the satisfaction of their trainees with the education provided to them, would be the first step towards reform.

The second obstacle is even more problematic. It pertains to the reluctance of the Academies to collaborate with each by virtue of their fears that such collaboration might lead them to give up some of their statutory authority or functions. Chapter 2 has analysed how the statutory functions of different judicial academies overlap. However, instead of seeing it as a problem, the provincial academies may very well insist on strictly following their statutory mandates, broad as they are. Sindh and Balochistan Academies might further insist that they are not even statutorily required to coordinate with FJA, as the Punjab Academy is. Overcoming these fears and disincentives towards collaboration would probably be the most tantalising concern for anyone attempting to streamline the judicial training system in Pakistan.

It is important that any initiative towards collaboration between different academies acknowledges and overcomes these obstacles, which are both statutory and psychological. However, if the relevant officials can come together with a shared focus on improving the judiciary in Pakistan, and not any particular academy, statutory amendments would not be needed to get the right thing done.

[67] NJI, Annual Report 2008-09, p. 4

6. RECOMMENDATIONS

The conclusions reached upon in the last chapter point towards certain directions that may be followed to improve the quantity and quality of judicial training in Pakistan. However, before mentioning these directions by way of recommendations, it is important to point out that these recommendations must be preceded by a consciousness of the problem, allocation of time to resolve that problem and purposeful consultation based on impartiality and mutual goodwill.

The recommendation is in fact a simple one to start with. All that is needed is the establishment of a Committee to coordinate the administrative and academic activities of different judicial academies. This Committee can be formed in two ways: either it can consist of representatives of High Courts in the FJA's Board of Governors (which would be analogous to how the National Judicial Strategy was developed and adopted in India), or it can consist of individuals nominated by the Board of Governors of each academy. Care should also be taken to ensure that all the committee members are willing and available to collaborate with his or her counterpart from other academies.

The mandate of the Committee, however, would be much more elaborate and would require them to discuss and develop a consensus on three general objectives:

1. Allocation of work between different academies to avoid duplication. This objective would involve the following tasks:
    a. Determining the relative existing capacities of various judicial academies in terms of the number of trainees who can be adequately trained and the subjects that can be most adequately taught there ;
    b. Keeping the relative existing capacities in view, making a recommendation as to whether pre-service training of judicial officials should be provided at the provincial or the federal level?
    c. Determining if a certain academy is more suited than others to provide in-service training on certain topics; and

d. In case of similar in-service courses being offered at different academies, determining whether it would be fruitful to invite all the participants and resource persons at one of those academies.

2. Systemisation of the process of sending judges for training. This objective would involve the following tasks:
   a. Identifying hurdles in regularly making judges available for training;
   b. Making considered recommendations as to how can these hurdles be minimised, if not eliminated; and
   c. Determining the most realistic rate of turn over that can be achieved in providing in-service training to judges in the subordinate judiciary.
3. Assessing the training needs of judicial officials: This objective would include the following tasks:
   a. Identifying and adapting instruments or survey methods to assess these needs;
   b. Implementing those instruments to prepare a report on assessing those needs; and
   c. Making recommendations as to which academy would be best suited to provide training on the needs so identified.

Since all three of the aforementioned objectives are related to each other, the Coordination Committee can pursue these objectives in such a manner that each objective, once achieved, can be revisited after the completion of the next objective.

It would not be too ambitious of the authors to suggest that the Coordination Committee should be mandated to eventually draft a National Judicial Education Strategy, as was done in India, which covers all the above mentioned objectives, and such other issues that might arise during their working, in a comprehensive and inter-related manner.

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Annexure I

QUESTIONNAIRE FOR PROVINCIAL JUDICIAL ACADEMIES

1. *Please attach to this questionnaire*
   a. *the latest document(s) containing curriculum/annual training plan of the Academy.*
   b. *the latest annual report of the Academy.*

2. *For the purposes of this questionnaire, 'Judicial officials' includes all officials directly associated with the administration of justice in the Province concerned.*

A. **Mark the class of judicial officials to whom the Academy regularly offers orientation/pre-service training (including the newly promoted officials):**

1. Civil Judges/Judicial Magistrates
2. Senior Civil Judges
3. Additional District & Sessions Judges
4. Superintendents attached with Sessions Courts
5. Law Officers – Attorneys
6. Members of the Bar
7. Others (specify):

B. **Mark the class of judicial officials to whom the Academy regularly offers continuing/in-service training:**

1. Civil Judges/Judicial Magistrates
2. Senior Civil Judges
3. Additional District & Sessions Judges
4. Superintendents attached with Sessions Courts
5. Law Officers – Attorneys
6. Members of the Bar
7. Others (specify):

C. **For each class of judicial officials who received training at the Academy during the FY 2009-2010, specify;**
   a. **the number of courses (including conferences, workshops, seminars, symposia, lectures);**
   b. **the total number of participants in those courses;**
   c. **the duration of those courses (in terms of total number of person-days); and**
   d. **the total number of the respective class of officials in the Province.**

Note: If different classes of judicial officials participated in a particular course, count that as one course for each of those classes.

Sr. No.	*Class*	*Number of Courses*	*Total Number of Participants*	*Duration (Total number of person-days)*	*Total number of officials in the Province*
1.	Civil Judges/Judicial Magistrates				
2.	Senior Civil Judges				
3.	Additional District & Sessions Judges				
4.	Superintendents attached with Sessions Courts				
5.	Law Officers – Attorneys				
6.	Members of the Bar				
7.	Others (specify):				

D. During the FY 2009-2010, for each class of judicial officials, specify ('yes' or 'no') if they received training (as a separate course or as a component of a general course) specific to gender sensitisation, ADR, computer literacy, using online resources.

	Civil Judges/ Judicial Magistrates	Senior Civil Judges	Additional District & Session Judges	Superintendents of Sessions Courts	Law Officers – Attorneys	Members of the Bar	Others (specify):
Gender sensitisation							
ADR							
Computer literacy							
Using online resources							
Writing Skills							

E. Is there any class of judicial officials in the Province who, in your opinion, need training but are not covered by the statutory mandate of the Academy?

F. Do you think the Academy is satisfying the training needs of the judicial officials in the Province? If yes, how? If not, how and why?

G. Since the statutory functions of the Academy and the Federal Judicial Academy overlap (see Annexure I for a detailed comparison), do you think the Federal Judicial Academy can take up some of the functions of the Academy, for example,

a. in-service training for some classes of judicial officials, and/or
b. some specialized courses such as those on the Constitution, Company Law, Islamic law, computer literacy, for a category of judicial officers i.e. who are seniors or have special aptitude for such subjects.

11. Would such a collaborative arrangement as proposed in the previous question be more effective for the purposes of judicial education than the existing practice? If yes, how?

1. Pakistan is a federation and all different provinces have various unique features. One of the prime functions of the Federal Judicial Academy is to promote provincial harmony.

With particular focus on the aforementioned statement/objective, in your opinion, what additional courses should be run by the Federal Judicial Academy? And what features should be uppermost in these courses?

J. There is a proposal that the Judicial Academies should also run Courses/Workshops/Symposiums etc. for the Justices of the High Courts and the Supreme Court. What are your opinions and/or suggestions in this regard?

Annexure I: Statutory Functions of the Federal, Sindh and Punjab Judicial Academies

Sr. No.	Federal Judicial Academy Act, 1997 *(Section 4: Aims and Objects)*	Sindh Judicial Academy Act, 1993 *(Section 4: Functions)*	Punjab Judicial Academy Act, 2007 *(Section 4: Functions)*
1. Orientation	(a) orientation and training of new i. judges, ii. Magistrates, iii. law officers and iv. Court personnel.	(a) legal orientation, training of i. members of the subordinate judiciary, ii. law officers and iii. members of the bar.	(a) impart pre-service and in-service training to i. the judicial officers and ii. court personnel.
2. In-service	(b) in-service training and education of i. Judges, ii. Magistrates, iii. law officers and iv. Court personnel.	(b) continuing education of i. members of the subordinate judiciary.	(a) impart pre-service and in-service training to i. the judicial officers and ii. court personnel.
3. Specified Content	NO PROVISION	NO PROVISION	(b) develop the skills and techniques for court management, case management, delay reduction, alternate dispute resolution and judgment writing; (d) develop training courses relating to administration of justice including use of information technology.

4. Examinations	NO PROVISION	(e) to conduct departmental examinations of members of establishment of subordinate courts and the High Court.	(c) conduct examinations and award certificates and diplomas.
5. Interactive sessions	(c) holding of conferences, seminars, workshops, and symposia for improvement of the judicial system and quality of judicial work.	(c) holding of conference, seminars, workshops, and symposia for improvement of judicial system and quality of judicial work.	(e) hold conferences, seminars, lectures, workshops and symposia relating to court management, administration of justice, law and development and legislative drafting.
6. Coordination with other institutions	NO PROVISION	NO PROVISION	(j) coordinate with other educational and training institutions including the Federal Judicial Academy;
7. Research and Publications	(d) publishing of journals, memories, research papers and reports	(d) providing information on legal and constitutional research; (f) publishing of journals, memories, research papers or reports;	(f) publish books, journals, research papers and reports on important topics relating to administration of justice; (g) promote research on case management, court management, trial skills and judicial reasoning; (h) encourage legal and constitutional research
8. Annual Report	Section 14. (1) Within two months of the conclusion of each financial year, the Director-General shall submit the annual report to the Board in respect of various activities carried out by the Academy during the previous year.	Section 15. (1) Within two months of the conclusion of each calendar year, the Director General shall submit the annual repost to the Board in respect of various activities carried out by the	Section 14. (1) The Director General shall, with the approval of the Board, within the period of six months, submit annual audit and performance reports to the Government which

		Academy during the last year	shall include the following:- (a) Details of courses run and designed by the Academy; (b) Details of examinations carried out by the Academy; (c) Research work done by the Academy; (d) The quality of training imparted at the Academy; and (e) The standard of the students trained at the Academy. (2) The Government shall, within two months of the receipt of the reports, submit the same before the Provincial Assembly of the Punjab.

Annexure II

Sindh Judicial Academy

Ferozenana Road, Bath Island, Karachi

Tel: 021 99250629 Fax: 021 99250628

Ref:SJA/ADM003-05/Hon.DG-1458
Dated: 14-06-2010.

The Director General,
Federal Judicial Academy,
Islamabad.

SUB: QUESTIONNAIRE FOR PROVINCIAL JUDICIAL ACADEMIES.

Reference your letter No.D.2668/2010-FJA dated 29th May, 2010 enclosing a Questionnaire to be filled by the Provincial Judicial Academies.

The questionnaire duly filled in is sent herewith as desired.

Please acknowledge receipt.

Hon. Director General,
Sindh Judicial Academy,
Karachi.

Encl: As above.

QUESTIONNAIRE FOR PROVINCIAL JUDICIAL ACADEMIES

1. Please attach to this questionnaire
   a. The latest document(s) containing curriculum/annual training plan of the Academy.
      Annexed as "A"
   b. The latest annual report of the Academy.
      The Annual Report for the year 2008 is attached.

2. For the purposes of this questionnaire, 'Judicial officials' includes all officials directly associated with the administration of justice in the Province concerned.

   Please read with Annexure "B"

A. **Mark the class of judicial officials to whom the Academy regularly offers orientation/pre-service training (including the newly promoted officials):**

   Subject to Annexure "B"

   ✓1. Civil Judges/Judicial Magistrates
   ✓2. Senior Civil Judges
   ✓3. Additional District & Sessions Judges
   4. Superintendents attached with Sessions Courts
   ✓5. Law Officers – Attorneys
   6. Members of the Bar
   ✓7. Others (specify): District & Sessions Judges

B. **Mark the class of judicial officials to whom the Academy regularly offers continuing/in-service training:**

   Subject to Annexure "B"

   ✓1. Civil Judges/Judicial Magistrates
   ✓2. Senior Civil Judges
   ✓3. Additional District & Sessions Judges
   4. Superintendents attached with Sessions Courts
   ✓5. Law Officers – Attorneys
   6. Members of the Bar
   ✓7. Others (specify): District & Sessions Judges

C. **For each class of judicial officials who received training at the Academy during the FY 2009-2010, specify;**
   a. **The number of courses (including conferences, workshops, seminars, symposia, lectures);**
   b. **The total number of participants in those courses;**
   c. **The duration of those courses (in terms of total number of person-days); and**
   d. **The total number of the respective class of officials in the Province.**

Note: If different classes of judicial officials participated in a particular course, count that as one course for each of those classes.

The Academy does not have any permanent / regular training Plan. The Academy provides training to Judicial Officers or other Officers connected with the Judicial work only if request is made for such training with the approval of the Hon'ble Chief Justice, High Court of Sindh.

A C.D. containing the curriculum and plan developed by the Academy is enclosed.

2 (A) & (B) - The Academy does not have any permanent / regular Program. The Academy provides training to Judicial Officers or other Officers connected with the Judicial work only if request is made for such training with the approval of the Hon'ble Chief Justice, High Court of Sindh. This description will apply to all the training programs which are being provided to the Judicial Officials. Therefore the reply to questionnaire should be read subject to this statement.

	Class	Number of Courses	Total Number of Participants	Duration (Total number of person-days)	Total number of officials in the Province
1.	Civil Judges/Judicial Magistrates				
2.	Senior Civil Judges				
3.	Additional District & Sessions Judges				
4.	Superintendents attached with Sessions Courts	- Please see Annexure 'C' (Reply)			
5.	Law Officers – Attorneys				
6.	Members of the Bar				
7.	Others (specify):				

D. During the FY 2009-2010, for each class of judicial officials, specify ('yes' or 'no') if they received training (as a separate course or as a component of a general course) specific to gender sensitisation, ADR, computer literacy, using online resources.

	Civil Judges/ Judicial Magistrates	Senior Civil Judges	Additional District & Session Judges	Superintendents of Sessions Courts	Law Officers – Attorneys	Members of the Bar	Others (specify):
Gender sensitisation		-					
ADR				Please see Annexure 'D' (Reply)			
Computer literacy			Please see Annexure				
Using online resources	Please see						
Writing Skills							

Annexure "C"

C. Class of judicial officials who received training at the academy during the FY 2009-2010, specify;

Statement upto May, 2010

Sr. No.	Class	Number of Courses	Total Number of Participants	Duration (Total number of person-days)	Total number of officials in the Province
1	Civil Judges/Judicial Magistrates	Two	48 18	i) Ten Days Program held on every Friday 48 Persons ii) Ten Days Program held on every Friday 18 Persons	238 The programme was attended by Judicial Officers nominated by the High Court of Sindh
2	Senior Civil Judges	One	11	Ten Days Program held on every Friday 11 persons	85
3	Additional District & Sessions Judges	Two	7 10	i) Ten Days Program held on every Friday 7 Persons ii) Three months Pre-Service Training Program 10 Persons	90 Started from 24-05-2010
4	Superintendents attached with Sessions Courts.	---	---	---	---
5	Law Officers – Attorneys	---	---	---	---
6	Members of the Bar	---	---	---	---
7	Others (specify): Labour Court Judges in Pakistan, Labour Leaders & Members of NGOs.	One	34	One Day 34 Persons	---

8	District & Sessions Judges	One	6	Ten Days Program held on every Friday 6 Persons	24
9	Officers of Home Department	One	Assistant Director (Reclamation/Probation) 2 Superintendent Remand Home 1 Deputy Superintendent Jails 10 Total: 13	Two Days 13 Persons	---
10	Officers of Home Department	One	Probation Officer 1 Parole Officer 1 Stenotypist (Acting Probation Officers) 3 Deputy Superintendent Jails 8 Total: 13	Two Days 13 Persons	---
11	Officers of Home Department	One	Superintendent Jails 9	Two Days 9 Persons	---

Annexure "D"

D. During the FY 2009-2010, for each class of judicial officials, specify ('yes' or 'no') if they received training (as a separate course or as a component of a general course) specific to gender sensitization, ADR, computer literacy, using online resources.

Statement upto May, 2010

	Civil Judge/ Judicial Magistrat -es	Senior Civil Judges	Additional District & Sessions Judges	Superintendents of Sessions Courts	Law Officers – Attorneys	Members of the Bar	Others (specify) District & Sessions Judges	Judges of Labour Coruts labour leaders & Members of NGOs.	Officers of Home Department
Gender sensitization	No	No	No	No	No	No	No	No	No
ADR	No	No	No	No	No	No	No	No	No
Computer literacy	No	No	Yes	No	No	No	No	No	No
Using online resources	No	No	Yes	No	No	No	No	No	No
Writing Skills	No	No	No	No	No	No	No	No	No
As a separate course (Capacity Building Ethics)	Yes	Yes	Yes	No	No	No	Yes	No	No
Labour Laws	No	No	No	No	No	No	No	Yes	No
Probation & Parole Laws	No	No	No	No	No	No	No	No	Yes

E. Is there any class of Judicial Officials in the Province who, in your opinion, need training but are not covered by the statutory mandate of the Academy?

It does not cover Court staff as well as officials of other Administrative Departments concerned with administration of justice. There are also various departments which require training in administering various laws which include administrative, tribunals and officials of many other such organizations or departments. Amendment is required in the Act to widen the sphere of the Academy so that training to all officials be given who deal with persons who come in conflict with law.

F. Do you think the Academy is satisfying the training needs of the Judicial Officials in the Province? If yes, how? If not, how and why?

The Sindh Judicial Academy is to a great extent satisfying the training needs of the Judicial Officers. In order to provide comprehensive training in the relevant subject the Academy has developed an Institutional culture and has designed syllabus of different courses and training manuals. The major courses are designed for training of the judges and law officers. The following is the list of manuals and curriculum developed by the Sindh Judicial Academy:-

List of Training Manuals

S.No	Description	Remarks
1.	Training Manual of Juvenile Laws	One Volume
2.	Training Manual of Family Laws	One Volume
3.	Training Manual of Recording of Evidence	One Volume
4.	A Practical Guide to Case Management.	One Volume
5.	New Filing System for the Sindh Judicial Academy	Report
6.	Crash Training Program for Additional District and Sessions Judges (4 weeks)	One Volume
7.	Foundation Course for newly appointed Civil Judges and Judicial Magistrates	Five Volume
8.	Reading Material	Six Volume

Development of Training Materials

S.No	Title	Prepared and Designed by
01	Curriculum and Work Plan for the Training of Civil Judges and Judicial Magistrates.	Mr. Justice (R) Shabbir Ahmed
02	Crash Training Program For Additional District and Sessions Judges	Mr. Fahim Ahmed Siddiqui
03	Case Study of Selected Cases on (Substantive and Procedural Laws)	Mr. Justice (R) Shabbir Ahmed
04	Training Manual Increasing Efficiency and Equity in Management of Family Cases	Mr. Fahim Ahmed Siddiqui
05	Study on Informal Justice System in Pakistan (November 2008-December 2008)	Sindh Judicial Academy
06	Workshop on Environmental Law	Sindh Judicial Academy
07	Workshop on "Implementation of Environmental Laws Regulatory Regime" held on June16, 2007	Sindh Judicial Academy
08	Qanun-e-Shahadat, an Introduction	Mr. Justice ® Shabbir Ahmed
09	49th Batch Labour Administration Training	Sindh Judicial Academy
10	Two Days Workshop in Judicial "Education on Gender and Equality Issues" from 29th June to 30th June 2007	Sindh Judicial Academy
11	Work Plan For the Training of Newly Appointed Civil Judges & Judicial Magistrates	Mr. Justice ® Muhammad Mujibullah Siddiqui
12	Curriculum and Work Plan for the Training of Newly Appointed Additional District & Sessions Judges	Mr. Justice ® Muhammad Mujibullah Siddiqui
13	Curriculum Outline of Foundation Course 2 Volumes	Mr. Fahim Ahmed Siddiqui
14	Microsoft Word 2007 Tutorial	Mr. Muhammad Murtaza Khan I.T. Expert
15	Microsoft Power Point 2007 Tutorial	Mr. Muhammad Murtaza Khan I.T.Expert.
16	Microsoft Excel 2007 Tutorial	Mr. Muhammad Murtaza Khan I.T Expert

The following teaching tools and teaching materials have also been developed :-

S.No	Description	Remarks
1.	PowerPoint Slides for teaching Juvenile Laws	95 slides in 17 Packs
2.	PowerPoint Slides for teaching Family Laws	194 slides in 21 Packs
3.	PowerPoint Slides for teaching Qanoon-E-Shahadat	86 slides in 11 Packs
4.	PowerPoint Slides for teaching Differentiated Case Management	19 slides
5.	PowerPoint Slides for teaching Time Guideline Based Case Management	19 slides
6.	PowerPoint Slides for teaching I.T. (Computer Orientation Training)	277 slides in 14 Packs
7.	PowerPoint Slides for teaching Anatomy of Fire Arms and Fire Arm Injuries	54 slides
8.	PowerPoint Slides for teaching Contempt at the Face of the Court	17 slides
9.	PowerPoint Slides for teaching Definitions of CrPC	16 slides
10.	PowerPoint Slides for teaching Important Environment Case Laws	37 slides
11.	PowerPoint Slides for teaching Important Environment Case Laws	34 slides
12.	PowerPoint Slides for teaching Time Managements	209 slides in 4 Packs
13.	PowerPoint Slides for teaching Cyber Offences	50 slides
14.	Model Lesson Plans	3
15.	Paper books	About 100
16.	Videos (Created in the Academy)	9

1. Developed comprehensive tutorials with snapshots of screens for Micro soft Office 2007 that consists of:
   a) Microsoft 2007 Tutorial
   b) Microsoft Excel 2007 Tutorial
   c) Microsoft Power Point 2007Tutorial
   d) Microsoft Access 2007 Tutorial
2. Developed booklet for Windows XP Shortcut keys
3. Developed more than 350 slide shows for computer training course.

The in-service training has been hampered due to shortage of Judges. Consequently mostly for administrative reasons, in-service Judges can not be relieved for training.

So far the Civil Judges and Judicial Magistrate are concerned; the question of their selection is under litigation which has caused delay.

G. Since the statutory functions of the Academy and the Federal Judicial Academy overlap (See Annexure I for a detailed comparison), do you think the Federal Judicial Academy can take up some of the functions of the Academy, for example,

a) in-service training for some classes of Judicial Officials, and / or

b) some specialized courses such as those on the Constitution, Company Law, Islamic Law, Computer Literacy, for a category of judicial officers i.e. who are seniors or have special aptitude for such subjects.

It is a very complex question requiring deep comparative study of the functions of the Federal Judicial Academy and the Provincial Academies. One week is not sufficient for such study. However in due deference it may be stated that the Federal Judicial Academy need not take over any of the functions of the Provincial Judicial Academies but plan should be made for cooperation and uniformity in program selected for training by the Judicial Academies. The Courts at Provincial level have to deal with cases under the local and provincial laws which are different in every province. Therefore it would not be advisable to take over the functions of any Academy. Rather effective arrangements should be made by the Federal Judicial Academy to develop co-operation and provide assistance in research as and when required by the Provincial Academies.

The development of specialized courses on the Constitution, Company law, Islamic Law, Income Tax Law, Cyber Laws and Computer Literacy should be taken. The course may be developed in consultation with Provincial Academies. In developing such courses Provincial Academies should be taken in confidence and should be associated through out.

Presently much emphasis is being given to Alternative Dispute Resolution which needs to be developed at Provincial level.

H. Would such a collaborative arrangement as proposed in the previous question be more effective for the purpose of judicial education than the existing practice? If yes how?

The collaborative arrangement is always helpful in development of the institution but there should be understanding, cooperation and need assessment amongst the members participating in it. In various countries there are Academies to develop legal profession and the judiciary but they act independently, seeking each others cooperation. The idea of having a central Academy in the name of Federal Judicial Academy will be a disaster in the development of continuing education and training of the Judges of Subordinate Courts.

1. Pakistan is a federation and all different provinces have various and unique features. One of the prime functions of the Federal Judicial Academy is to promote provincial harmony.

With particular focus on the aforementioned statement / objective, in your opinion, what additional courses should be run by the Federal Judicial Academy? And what features should be uppermost in these courses?

In such a short time comprehensive answer to such a complex and intriguing query can not be given. It would be proper if a conference of all the Judicial Academies is held and a scheme for coordination and collaboration is sorted out in due course.

If the Federal Judicial Academy is to run additional courses then there will be a lot of problem because sparing the Judicial Officers from the Provinces for a long time or even for a short time would be difficult. Therefore if at all the Course are to be run they should be held in every province instead at Federal Judicial Academy. Subjects for such courses may be Constitution, Company Law, Income Tax Law, Sale Tax Law, Labor Law, Cyber Laws and Crimes, Gender sensitization, Juvenile Justice and similar subjects.

J. There is a proposal that the Judicial Academies should also run Courses/Workshops/Symposiums etc. for the Justices of the High Courts and the Supreme Court. What are your opinion and / or suggestions in this regard?

This is a sensitive issue and sensitization of the Judges of superior Courts should be left to the Supreme Court, which may direct the Federal Judicial Academy or Provincial Judicial Academy to arrange a particular course for the benefit of High Court Judges. Beyond that we would not express any further opinion as in the past we are not aware of any such program arranged by the Federal Judicial Academy. However Judicial Conferences at National and International level should be arranged by the Federal Judicial Academy or the Supreme Court in all capital cities of the Country.

Workshops, Symposiums and like activities should be regular feature of all the Academies, particularly the Federal Judicial Academy.

It may be mentioned that for arranging such programs funds is needed which should be provided by the Government.

Annexure III

Punjab Judicial Academy

15-Fane Road, Lahore.

DG/PJA/1 (1)/09

Date: 11.06.2010

From

Mr. Justice (R) Tanvir Ahmad Khan,
Director General,
Punjab Judicial Academy,
15-Fane Road, Lahore.

To

The Director General,
Federal Judicial Academy,
Islamabad.

Subject:- **PROVINCIAL JUDICIAL ACADEMY.**

Dear Parvaiz Ali Chawla السلام علیکم

Reference your letter No. D.2668/2010-FJA, dated 29th May, 2010. I have formulated the required answers to the questioners sent by you. It is to be appreciated that a similar letter No. 294/RHC was also received from the Lahore High Court on 05.06.2010. All the documents mentioned in your letter are sent. If there is any further query, please let me know and the same shall be, Inshallah, taken care off.

With regards.

Justice (R) Tanvir Ahmad Khan,
Director General

I date even.

Copy is forwarded to the Registrar, Lahore High Court, Lahore in se to letter No. 294/RHC, dated. 05.06.2010.

Sd/-

Justice (R) Tanvir Ahmad Khan,
Director General

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4.	Latest annual report of the Academy for the year 2008-2009 along with Audit report and Statement of Accounts.	Attached herewith

Executive Summary

The academic institutions are not known for bricks mortar and the cement with which these are constructed but by the men and the personalities who man them. It is man behind the gun who matters.

Any Institution, therefore, to become a center of excellence, capable of achieving its objectives needs men of letters, vision and leadership capabilities. With such men these institutions in their presence carry the imprint of personality of their visionary and capable members of their faculties. So the foremost need of our Academies, Federal or Provincial is to procure competent members for their faculties so that with their knowledge of the latest trends in law and society, they can produce persons competent to deal with the newly emerging complex problems.

It is a pity that even our law colleges and the universities do not have faculty members with PhD. degrees, in law specially in new subjects/areas of law. All out effort should be made to procure services of the competent people who have PhD degrees or equivalent qualifications and experience. We, at the Punjab Judicial Academy are conducting training programmes for the capacity building of the Civil Judges-cum-Judicial Magistrate, Addl. District & Session Judges, Prosecutors, District Attorneys, Jail Superintendents, Lawyers Engineers, Architects & others concerned with the Administration of Justice. The details of the programmes are given in the enclosed reply. We have established contacts with the International Law Organization, Rome (IDLO), graduate school of Management, Kyoto University, Japan through Dr. Fashihiko Omoto. Mr. Gordon Jayances of

Dispute Resolution Foundation Washington for specialized training in the subjects of Alternate Dispute Resolution, International Business Law, Law of Construction Contracts, Intellectual Property Rights, Money Laundering, Cyber Crimes etc. We have video conferencing equipment which is being installed for holding video conferences being held at aforesaid Foreign Institutions.

The capacity building of the different stake holders of the judicial administration is an enormous task with proper competent faculty staff we can undertake different programmes at the Federal Judicial Academy. These programmes can be designed for the continued legal education of different level of judiciary, lawyers and others.

The Punjab Judicial Academy, its Honourary Consultant is Mr. Justice ® Khalil-ur-Rehman Khan and The Director General Mr. Justice ® Tanveer Ahmad Khan, both retired from Apex Court, will be available for charting out these programmes to be conducted at the Federal Judicial Academy.

DIRECTOR GENERAL
Punjab Judicial Academy,
Lahore

QUESTIONNAIRE FOR PROVINCIAL JUDICAIL ACADEMIES

I.

a. The latest curriculum/annual training plan of the Academy is attached herewith as Annex-A.

b. The latest annual report of the Academy is appended herewith as Annex-B.

A. Mark the class of judicial officials to whom the Academy regularly offers orientation/pre-service training (including the newly promoted officials);

1. Civil Judges/Judicial Magistrates
2. _____
3. Additional District & Sessions Judges
4. _____
5. Prosecutors
6. _____
7. Jail Superintendents.

B. Mark the class of judicial officials to whom the Academy regularly offers continuing/in-service training:

1. Civil Judges/Judicial Magistrates
2. _____
3. Additional District & Sessions Judges
4. District & Session Judges.
5. Law Officers – Attorneys/ Prosecutors
6. _____
7. Jail Superintendents.

C. For each class of judicial officials who received training at the Academy during the FY 2009-2010, specify;

The Punjab Judicial Academy was established under The Punjab Judicial Academy Act, 2007 (Pb. Act XV of 2007) for imparting training to the judicial officers and court personnel with a view to develop their capacity, professional competency and ethical standards for efficient dispensation of justice and matters ancillary thereto. The functions of the Academy have been fully elaborated in Section-4 of the Act which may be read as an integral part of this document.

1. The first batch consisted of 18- newly appointed Additional District & Sessions Judges who were given pre-service training not only on the law subjects but also as to conducting the court, administration of subordinate officials and management of cases with emphasis on reduction of delays. Very senior resource persons like Judges of the superior judiciary, principals of law colleges and our permanent faculty conducted the law course/lectures. With regard to, inter-alia, medical jurisprudence, post mortem and DNA etc, *senior doctors were invited and the trainees were given opportunity to visit the hospitals in this regard.*

2. The second batch of Additional District & Sessions Judges consisted of 18-participants and the course commenced on 05.10.2009 and was finished on 24-12-2009 (twelve weeks). The topics covered in the training programme were:_____; Islamic Law- Nature, Scope and Implementation; Court Case Management; Registration of Case and Investigation; IT(computer skills); The Law of Inheritance; Legal Fiction; Civil Practice & Procedure; The Law of Evidence- An Overview of Qanun-e-Shahdat Order, 1984; Sessions Trial in six periods; Legal Writing; Time Management; Interpretation of Statutes; Judicial Ethics-Code of Conduct; Proof-Admissibility of FIR; Framing of Issues; Use of former statements- Law of Evidence; Custody of Minors having international dimensions; Sentencing; Use of statements recorded by police u/s 161 Cr.P.C; High Court Rules & Orders; Judgment Writing; Practical aspects of case handling; Common Mistakes being committed by Judicial Officers in Civil Cases; Law of Framing of Charge; Law regarding Imposition of Fines; Delay reduction in Civil & Criminal Cases; Inherent Jurisdiction of Courts; Mandatory and Directory provisions- Distinction between; Function and Rule of Ex-officio Justice of Peace; Control of Narcotics Substances Act, 1997; Hudood Trial; Trial of Complaint and Challan Case; Law of Superdari; Forfeiture of Bond & Recognizance; Conduct & Court Proceedings; Legal Presumptions; Criminal Appeal & Revisions-delay reduction; Regular First Appeal; Presentation by Participants

& Discussion on given assignments; Mock Trial; Dimensions of Jurisdiction, its concept and exercise in Civil & Criminal Courts; Civil Revision; Can illegal contracts be arbitrated; Dishonouring of a bank cheque; Qisas & Diyat; Revenue Law; Review in Civil Cases; Medical Jurisprudence; Some Legal Aspects of Bank Guarantee; ADR; Use of DNA in Crime Investigation; An Overview of Arbitration Act; Human Rights in International & National Context; Exercise of Discretionary and Inherent Powers; Jurisprudence; Foreign Arbitral Award- its enforcement; The Law of Bails; Methodologies for implementation of National Judicial Policy; Sheriff's Petty Accounts; Revenue Deposits; Valuation of Suits for the purpose of Court Fee and Jurisdiction; Appraisal of evidence; Court Inspection; An Overview of Contract Act; Family Laws; Foreign Investment Laws in Pakistan; Intellectual Property Laws i.e. Trade Marks, Copy Right, Patents etc; Cyber Law/Electronic Crimes Ordinance, 2008; Probation of Offenders Ordinance, 1960; Good Conduct Probationers Release Act, 1926; Comparative study of Order-37 Civil Procedure Code & Financial Institutions (Recovery of Finances) Ordinance, 2001; Illegal Dispossession Act, 2005; Mental Health Ordinance, 2001; Remand in Civil Cases; An Overview of Specific Relief Act; Rule of Law and its Dimensions; Police Order, 2002; Practice in Writing Bail Order; Practice in Writing Stay Order; Copy Rights & Computer Software; Leading Constitutional Cases; Modern Techniques of Investigation; Civil Appeal – Revision, Review; Interlocutory Orders; Preliminary hearing of Appeals; Judicial Precedents – Ratio Decidendi and Obiter Dicta; An Overview of Money Laundering Law; Anti-Competition Law/Anti- Monopoly Law;

In addition to the above, a two days visit of Sihala Police College was arranged and conducted for the trainees for first hand knowledge.

A visit to King Edward Medical College was also arranged for the trainees to see the Post-Mortem and lectures were delivered by senior Doctors with regard to the science of

genetics and DNA test as a helping tool in investigation. The reading and understanding of DNA test report was taught.

A study tour was also conducted for the participants to visit the Sessions Court at Kasur to see the working of the Courts and District Jail of Kasur was also visited. The trainees were given a very comprehensive orientation for case management and delay reduction by holding Syndicate Sessions.

As far as the I.T (computer) training is concerned, full lecture was given every day i.e. six days a week to enable the participants to operate the computer with regard to court cases as well as for legal research.

Renowned resource persons like Professor Dr. Malik H. Mubashar, Vice Chancellor University of Health Sciences, Brig. Dr. Mowadat Rana, Commandant Army Mental Institution , Rawalpindi and Col. Dr. Sohail Ali held two days workshop inculcating upon the minds of the Jail personnel **THAT PRISONERS ARE ALSO PERSONS/HUMAN BEINGS.**

3. The third batch of trainees consisted of 15-Jail Officials/Superintendents. This training commenced on 04.01.2010 and ended on 23.01.2010 besides the study of Jail Manual, they were offered a multi-dimensional course including but not limited to Human Rights of Prisoners in Islam, International Human Rights of Prisoners as envisaged by the United Nations. As far as the I.T (computer) training is concerned, full lecture was given every day i.e. six days a week to enable the participants to operate the computer with regard to court cases as well as for legal research.

Besides the teaching of Jail Manual and other Pakistani Laws like Cr.P.C.etc. the Jail Officials were also given lectures on International topics relating to prisoners/detainees such as:

i) International Treaties, Protocols, Conventions on Jail Reforms.
ii) United Nations on Prisoners Human Rights.
iii) European Union on Prisoners Human Rights.
iv) United Nations on Juvenile Prisoners.
v) Basic Human Rights of Prisoners.
vi) International Law on Human Rights of Prisoners.
vii) United Nations on Reforming of Prisoners.

viii) International Treaties, Protocols, Conventions on Basic Rights of Prisoners.

ix) Jurisprudence of Prisoners.

4. A pre-service course of 69-Civil Judges for 04-months commenced in the 3rd week of January, 2010 and ended on 15.04.2010. Four of the participants belonged to Gilgit-Baltistan. The trainees were given lectures on various topics of different laws including one week practical training in the courts of Lahore. Besides they were also taken to King Edward Medical College to see and understand the post mortem and DNA tests.

5. A four weeks training was given to 40-newly appointed Additional Prosecutors General, Deputy Prosecutors General and Deputy District Public Prosecutors from 03.05.2010 to 29.05.2010. They were given lectures on various topics by distinguished and very senior prosecutors, retired Judges and senior advocates. Mr. Ian Dorsan, Prosecutor and Legal Attache of British High Commission, Islamabad also delivered lectures on the topic of "Role of Prosecutor in U.K". Another foreign expert namely Mr. Charles Bennette also delivered lectures on the topic of "Co-operation between Police and Prosecutor".

Besides they were also taken to King Edward Medical College to see and understand the post mortem and DNA tests.

As far as the I.T (computer) training is concerned, full lecture was given every day i.e. six days a week to enable the participants to operate the computer with regard to court cases as well as for legal research.

6. Now, the Punjab Judicial Academy is geared up for the training of 229- newly appointed Civil Judges-cum-Judicial Magistrates by the Lahore High Court.

Sr. No.	*Class*	*Number of Courses*	*Total Number of Participants*	*Duration (Total number of person-days)*	*Total number of officials in the Province*
1.	*Civil Judges/Judicial Magistrates*	One	69	03-months	All except four of Baltistan
2.	*Senior Civil Judges*	Nil	-	-	-

3.	*Additional District & Sessions Judges*	Two	18	03-months	All
4.	*Superintendents Attached with Sessions Courts*	Nil	-	-	-
5.	*Law Officers-Attorneys-Prosecutors*	One	40	01-month	All
6.	*Members of the Bar*	Nil	-	-	-
7.	*Others (specify) Jail Superintendents*	One	15	03-weeks	All

D. ***During the FY-2009-2010, for each class of judicial officials, specify ('yes' or 'no') if they received training (as a separate course or as a component of a general course) specific to gender sensitization, ADR, computer literacy, using online resources.***

	Civil Judges/Judicial Magistrate	*Senior Civil Judges*	*Additional District & Sessions Judges*	*Superintendents Attached with Sessions Courts*	*Law Officers-Attorneys-Prosecutors*	*Members of the Bar*	*Others (specify) Jail Superintendents*
Gender Sensitization	-	-	-	-	-	-	-
ADR	Yes	-	Yes	-	Yes	-	Yes
Computer literacy	Yes	-	Yes	-	Yes	-	Yes
Using online resources	Yes	-	Yes	-	Yes	-	Yes
Writing Skills	Yes	-	Yes	-	Yes	-	Yes

E. *Is there any class of judicial officials in the province who, in your opinion, need training but are not covered by the statutory mandate of the Academy?*

1. Training of Government Administrative Officers

Government Administrative Officers exercising judicial powers such as Registrar & Secretary Co-operatives, Revenue Officers, D.C.Os, Commissioners and Members of the Board of Revenue. Various Government Commissions and Boards and Staff of the Provincial Ombudsman should possess the required legal knowledge. Furthermore, "Collectors" who play key role in land acquisition are normally unfamiliar with the principles and provisions of the Land Acquisition Act. In view of the aforesaid, it is strongly recommended that the specified classes of persons should be obliged to take training from the Judicial Academy by passing a Provincial Statute.

2. Training of Bar Members

Academy would undertake the capacity building of the honourable members of the bar by undertaking the following:-

a) Continued legal education for bar members.
b) Preparation of bar examination.
c) Conduct of bar
d) Professional and legal ethics. Examination by the Academy under the authorization of the Punjab Bar Council.
e) Training of bar members regarding Alternate Dispute Resolution (ADR) process
f) Training of bar members to act as mediator, evaluator, conciliator and arbitrator.

3. Training of Other Professionals

The area of training will also include training of Engineer, architects, surveyors and trade mark experts besides lawyers etc.

4. Faculty Development of the Academy.

Provincial and Federal Government shall procure/award scholarships from renowned foreign universities in their PHDs Programmes. No law school/legal education in Pakistan has got a PHD law teacher. Every legal institution needs competent and experienced Faculty Members as the availability of good building and other ancillary facilities cannot achieve its objectives without educated faculty members.

5. Present Faculty of the Academy

At present the Academy Faculty Members consists of:-

1. Mr. Justice ® Khalil-ur-Rehman Khan

He is the Honourary Consultant of the Academy. He has got rich experience of imparting legal education at superior levels and has visited the world renowned institutions giving lectures on various national and international topics. He is also a visiting Professor of some foreign universities. He is a Retired Judge of Supreme Court of Pakistan and also remained Rector of the International Islamic University, Islamabad.

2. Mr. Justice ® Tanveer Ahmad Khan

He is the Director General of the Academy. He is a Retired Judge of the Honourable Supreme Court of Pakistan and also served for 3-years as Chairman of National Industrial Relations Commission. He has got vast experience of teaching in law in different institutions.

3. Malik Khadim Hussain

He is Director Programmes of the Academy. He is a Retired Senior District & Sessions Judge. Thereafter, he remained Legal Consultant in the Punjab Law Department. He also acted as a Director in Federal Judicial Academy for quite sometime and has rich experience of teaching Judicial Officers. He is also teaching law to DMG Group as well as at the Punjab Law College.

4. Fakhar Hayat

He is Director Administration of the Academy. He is a Retired Senior District & Sessions Judge. He remained a Director in Federal Judicial Academy and in different intervals he also acted as Director General of the Federal

Judicial Academy. He has taught Judicial officers extensively. He also remained Registrar of Honourable Lahore High Court, Lahore.

5. Qaiser Javed Mian

He is Addl. Director of the Academy. He is highly qualified, research oriented, a luminary in the Academy. He did his Masters from University of Miami Law School, U.S.A. He is author of a book Saudi Business and Labour Law alongwith Dr. Elison Lerrick of Harvard. It was published by M/S Graham & Tortman (London) and second edition was revised in 1986 which is kept and catalogued in the U.S Congress Library as well as in the Harvard Library. It was termed as the "Definitive Treatise" on the subject by the American Journal of International Law. He has also written articles in various international law magazines and practiced in Lahore High Court for almost 27-years.

Apart from permanent faculty members, we are lucky in having resource persons of high caliber. Some of them are as under:-

1. Sh. Ejaz-ud-Din, DNA expert.
2. Dr. Khalid Aziz, Dean King Edward Medical University, Forensic Science Expert.
3. Dr. Azhar Nadeem, Retired I.G police who has master degree in Criminology from abroad.
4. Professor Dr. Malik H. Mubaashar, Vice Chancellor, University of Health Sciences.
5. Brig. Dr. Mowadat Rana, Commandant Army Mental Institution , Rawalpindi
6. Col. Dr. Sohail Ali
7. Professor Naseeb Awan
8. Dr. Yousaf Raza Kazmi, DHO, Sheikhupura.
9. Humayun Ehsan, Principal Pakistan Law College.
10. Miss Hadiya Awan, Principle Punjab Law College.
11. Mr. Ian Dorsan, Prosecutor and Legal Attache of British High Commission, Islamabad
12. Mr. Charles Bennette.

13. Dr. Dil Muhammad, Ex-Principal Punjab University Law College.
14. Dr. Professor Muhammad Amin, University of Management & Technology, Department of Islamic Thought & Civilization.
15. Dr. M. Aslam Khaki.
16. Dr. Professor Muhammad Ahsan Sheikh.
17. Mr. Muhammad Rafique Dogar.
18. Mian Khuda Bakhsh, (Retd.) Addl. Chief Secretary.
19. Maj® Zia-ul-Hassan, Ex-I.G Police, Ex-I.G Prisons.

We are lucky in having Judges of the Superior Judiciary and senior most lawyers as permanent resource persons.

F. *Do you think the Academy is satisfying the training needs of the Judicial Officials in the Province? If yes, how? If not, how and why?*

Yes & No.

We need to teach and train the District judiciary, lawyers including prosecutors, bankers (Re Cyber/Electronic Banking Crimes) and investigating agencies such as FIA etc. The business needs of the time have necessitated promulgation, amendments and implementation of various new laws the expertise in which is very scarce in Bench as well as in Bar. Some of such laws are as follows:-

1) Electronic Crimes Act, 2004.
2) Prevention of Electronic Crimes Ordinance (LXXII of 2007).
3) Prevention of Electronic Crimes Ordinance (IX of 2008).
4) The Law of Cyber Crimes.
5) Pakistan Electronic Media Regulatory Authority Ordinance published in the Gazette of Pakistan on Ist March, 2002.
6) The Punjab Consumer Protection Act, 2005 as amended in 2006.
7) Monopolies & Restrictive Trade Practices (Control & Prevention) Ordinance V of 2007.
8) Competition Ordinance (Ord. LII of 2007) (Amended in 2010).
9) Electronic Transactions Ordinance, 2002 to be read with "Pakistan Tele-Communication (Re-Organization) Act, 1996 and "Wireless Telegraph Act, 1933".
10) Anti-Money Laundering Ordinance (XLV of 2007) published in the Gazette of Pakistan on Sept. 7, 2007.
11) Intellectual Property Laws i.e. Trademarks, Copy write, Patent, Designs, etc.
12) Environmental Laws with particular reference to "Waste Management", "Clean Water & "Green Area ".

We are also connected with International Development of Law Organization (IDLO) and also getting their lectures conducted over there through video conference. Some of their experts are willing to come to Pakistan to conduct courses on Alternate Dispute Resolution (ADR), Law of Construction Contracts and their dispute resolution, International Business Law, Intellectual Property Laws, Cyber Laws etc.

G. *Since the statutory functions of the Academy and the Federal Judicial Academy overlap (see Annexure I for a detailed comparison), do you think the Federal Judicial Academy can take up some of the functions of the Academy, for example,*

a. in-service training for some classes of judicial officials, and/or

b. some specialized courses such as those on the Constitution, Company law, Islamic Law, Computer Literacy, for a category of judicial officers i.e. who are seniors or having special aptitude for such subjects.

In our view, broadly speaking, the scope and spheres of Federal Judicial Academy and Provincial Judicial Academies can be divided into two broad categories:

i) Administration of Justice.

ii) Case Management by Presiding Officers and dispensation of Justice.

Federal Judicial Academy

Federal Judicial Academy may concentrate on District level Administration of Justice and their trainees should be the District & Sessions Judges, the Senior Civil Judges and the Federal Administrative Officers (DMG etc.) who exercise judicial powers in one form or the other. The idea is that the Judges who are more involved in the Administration of Justice rather than the direct dispensation of justice to the litigants should be given the administrative skills or distribution of cases according to their importance keeping in view the territorial jurisdictions, inspection of courts and checking of the court registers/records etc.

The Administrative Government Officers exercising judicial powers such as Collectors, Property Registrars, D.C.Os, Commissioners, Members of Board of Revenue, Taxation Officers of the FBR i.e. Judicial Collectors of Taxation etc. should be given legal training/refresher course in their respective/related subjects by the Federal Judicial Academy.

All the Programmes and courses arranged at the Federal Judicial Academy should preferably be interprovincial wherein

due representation of Northern Area, AJ&K and Capital Territory should be ensured.

Federal Judicial Academy should also impart training/knowledge with regard to important commercial laws such as Anti-Competition Law, PEMRA Laws, Intellectual Property Laws and laws pertaining to interprovincial relations with regard to, for example, Distribution of Water, Agricultural produce, Natural Resources etc. and co-ordination between interprovincial police and court cases/implementation of decisions.

There are various Judicial Commissions/Authorities constituted under the Federal Laws such as Competition Commission, PEMRA authority, Intellectual Property Adjudicating Officer. Such Officers should be given legal training in their respective fields by the Federal Judicial Academy.

The Federal Judicial Academy should also impart legal knowledge with regard to the relevant International Law, the Law of Treaties, United Nations Charter, International Human Rights. More specifically, "The U.N International Convention on Civil & Political Rights (July 7, 1994) and its effects on our criminal justice system"; U.N Convention against Corruption (31.10.2003) and various International dispute resolution forums. The following should be taught/familiarized to the relevant officials of the Ministry of Commerce and Trade as well as Ministry of Foreign Affairs and most importantly the Ministry of Law & Justice.

International Courts and Tribunals

- The International Court of Justice ("ICJ")
- The European Court of Justice
- The European Court of Human Rights
- The Inter-American Court of Human Rights
- The International Criminal Court ("ICC")
- The International Criminal Tribunal for the former Yugoslavia ("ICTY")
- The International Criminal Tribunal for Rwanda
- Special Court for Sierra Leone
- The International Tribunal for the Law of the Sea (ITLOS)
- The Permanent Court of Arbitration

- WorldCourts.com (A partial directory of international courts and tribunals)
- The Project on International Courts and Tribunals ("PICT")
- GlobalCourts.com (A guide to Supreme Courts around the world)

Human Rights

- United Nations High Commissioner for Human Rights
- United Nations High Commissioner for Refugees
- Human Rights Internet
- International Law and Human Rights
- The University of Minnesota Human Rights Library
- DIANA International Human Rights Database

Trade, Commerce and International Commercial Dispute Settlement

- World Trade Organization ("WTO")
- United Nations Commission on International Trade Law ("UNCITRAL")
- International Institute for the Unification of Private Law ("UNIDROIT")
- World Intellectual Property Organization ("WIPO")
- WIPO Arbitration and Mediation Center
- International Centre for Settlement of Investment Disputes ("ICSID")
- Lex Mercatoria (International trade and commercial law resources and links)
- International Chamber of Commerce ("ICC")
- American Arbitration Association ("AAA")
- Hague Conference on Private International Law (Intergovernmental organization working toward the progressive unification of the rules of private international law)
- WorldTradeLaw
- ASIL Electronic Resource Guide: Private International Law

PROVINCIAL JUDICIAL ACADEMIES

On the other hand, Provincial Judicial Academies should concentrate on Pre-service Training and dispensation of justice to litigants and case management by the Presiding Officers on District level. Short courses at all levels of judicial officers in important fields of law in different jurisdictions.

Innovative Legal Education

The very first thing which needs to be done in Pakistan is switching over from Text Book reading to Case Law reading. Text Book reading has its roots in the "Civil Law System" which is in vogue in France and French Colonial Countries including a large part of Arab World which do not follow the principle of Stare decisis as distinguished from our "Common Law System". There is an inherent contradiction in our legal education system. Since we follow the Stare Decisis Doctrine, we feel that the leading/landmark cases on every subject of law, whether Pakistani, Indian, British or American should be compiled as a course/syllabus for the law schools and such cases should be argued and discussed as in a court room between the students and the teachers. It is about time that we should give away with the rhetoric and repetition of several years old lectures. The case law selected as a syllabus as suggested above, should be open to inclusion & exclusion because of over-ruling judgments as well as any new & better judgments from any Common Law Jurisdiction.

The business needs of the time have necessitated promulgation, amendments and implementation of various new laws the expertise in which is very scarce in Bench as well as in Bar. Some of such laws are as follows:-

13) Electronic Crimes Act, 2004.
14) Prevention of Electronic Crimes Ordinance (LXXII of 2007).
15) Prevention of Electronic Crimes Ordinance (IX of 2008).
16) The Law of Cyber Crimes.
17) Pakistan Electronic Media Regulatory Authority Ordinance published in the Gazette of Pakistan on Ist March, 2002.
18) The Punjab Consumer Protection Act, 2005 as amended in 2006.
19) Monopolies & Restrictive Trade Practices (Control & Prevention) Ordinance V of 2007.
20) Competition Ordinance (Ord. LII of 2007) (Amended in 2010).

21) Electronic Transactions Ordinance, 2002 to be read with "Pakistan Tele-Communication (Re-Organization) Act, 1996 and "Wireless Telegraph Act, 1933".

22) Anti-Money Laundering Ordinance (XLV of 2007) published in the Gazette of Pakistan on Sept. 7, 2007.

23) Intellectual Property Laws i.e. Trademarks, Copy write, Patent, Designs, etc.

24) Environmental Laws with particular reference to "Waist Management", "Clean Water & "Green Area".

Examination System

Besides stringent checks on the syllabus/curriculum, quality of imparting legal education, a fool proof uniform system by an independent, autonomous examining body who has nothing to do with imparting legal education, just like the examining bodies which take Toefl Test, G.R.E Test, G.MAT Test etc, is a great and immediate need of the profession. This examining body can be run by the renowned and spotless retired Judges of the Superior Courts, senior Professors and lawyers etc. Every student will have to pay for being examined separately from paying to law school who imparts tuition and the law schools or their members will have absolutely no direct or indirect connection with the examining body.

Training of Para Legal Staff

There is absolutely not a single institution imparting training , education and granting diplomas for Readers, Ahlmads, Copy Clerks, Court Clerks, Process Servers, Bailiffs, Counsel Clerks in the entire country. There are always two or three tiers in every profession. In Army, Commissioned Officers, Non-commissioned officers and those who are not even non-commissioned personnel. In medical profession, there are several schools/colleges imparting para-medical training. In Engineering, we know of the Railway Road College of Lahore and the Head Rasool Training College. There are schools even for the training of Patwaris, but unfortunately, *there is not a single exclusive school for the training of Para Legal Staff.*

Bankers

It is commonly observed that no bank official Incharge of lending moneys, having sufficient knowledge of the concepts of the Contract Act, Negotiable Instruments Act, Order-37 of Civil Procedure Code and the relevant provisions of the criminal law. The bankers do have their own academies for training their officers, but it is of great importance that the officers of managerial level and those who are directly or indirectly concerned with disbursement and securing of loans/finances must obtain a degree/diploma from a law college or a legal academy.

They may have fundamental knowledge of the related laws, but it is highly probable that, they generally, would not possess the required knowledge of the concepts such as "fiduciary relationship", "criminal breach of trust", "relationship between principal and agent", the ingredients of a Contract itself particularly "consideration", "indemnity and guarantee", "bailment", and various types of charges which can be created against properties as security for repayment. It is imperative that legal education exclusively with regard to banking, as stated above and including the import and export documentation should be taught by way of a very vigorous and intensive course. In my experience, I have found that the main reason for the banks to loose a case in a court of law is defective loan documentation which is the result of lack of knowledge of the banking law. The bankers should also be taught the Transfer of Property Act keeping in view the various kinds of mortgages, pledges, hypothecation etc. The Banks must given immediate attention to this aspect of the banking sector.

Jailors & Police

Special courses should be chalked out by the legal fraternity and the Home Department for educating the police and the jailors, the local laws relevant to their fields. Furthermore, the international laws/treaties/conventions etc. which the State of Pakistan has ratified should also be taught to the jailors and the police with regard to human rights of a common citizen and prisoners/detainees as well. The international conventions on punishment, torture, corruption, money laundering, cyber crimes etc. should also be taught through our law schools.

One thing which is not being realized or appreciated by the high-ups is that once an international convention/treaty/protocol etc. is signed by the Government of Pakistan and duly ratified, they become the supreme law of the society even a step higher than our own Constitution and the local law, which in the language of international law is called the "Municipal Law".

H. *Would such a collaborative arrangement as proposed in the previous question be more effective for the purposes of judicial education than the existing practice? If yes, how?*

It does not reflect any academic collaborative arrangement. The diversion of functions should not be on the subject of law basis rather it should be on actual functional basis i.e. Administration of Justice and Court Management System may be the subject/sphere of the Federal Judicial Academy while all other applicable laws should be the subject of Provincial Judicial Academies.

I. *Pakistan is a federation and all different provinces have various unique features. One of the prime functions of the Federal Judicial Academy is to promote provincial harmony. With particular focus on the aforementioned statement/objective, in your opinion, what additional courses should be run by the Federal Judicial Academy? And what features should be uppermost in these courses?*

It has already been elaborated above.

J. *There is a proposal that the Judicial Academies should also run Courses/Workshops/Symposiums etc. for the Justices of the High Courts and the Supreme Court. What are your opinions and/or suggestions in this regard?*

The professional level of the Judges of the Superior Judiciary does not require any tuitions. Even new laws can be learnt by them merely by reading and applying their mind. The example of privy council supports this view which used to decide the cases of places where ever the Crown existed in the entire world. However, Sessions upon Computer Orientation would be beneficial for the superior judiciary.

Annexure IV

THE HIGH COURT OF BALOCHISTAN, QUETTA.

Tel: No. 920277
Fax: No. 9202784

No. 144/J.S.A.
Dated Quetta the 16th June, 2010.

From:- The Registrar,
High Court of Balochistan,
QUETTA.

To:- The Director General,
Federal Judicial Academy,
ISLAMABAD.

Subject: **Questionnaire for Provincial Judicial Academies.**

I am directed to refer to subject cited above and to send herewith the questionnaire duly filled under the directions of the Hon'ble Chief Justice, High Court of Balochistan. It is worth mentioning that the curriculum is under process and will be sent after its preparation.

(ZAHEER-UD-DIN KAKAR)
REGISTRAR

Copy for information to:-

The D.G. Balochistan Judicial Academy.

Please see.

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Mydan DII

QUESTIONNAIRE FOR PROVINCIAL JUDICIAL ACADEMIES

1. *Please attach to this questionnaire*
   a. *the latest document(s) containing curriculum/annual training plan of the Academy;*
   b. *the latest annual report of the Academy.*

2. *For the purposes of this questionnaire, 'Judicial officials' includes all officials directly associated with the administration of justice in the Province concerned.*

A. Mark the class of judicial officials to whom the Academy regularly offers orientation/pre-service training (including the newly promoted officials):

1. ✓ Civil Judges-Judicial Magistrates
2. Senior Civil Judges
3. Additional District & Sessions Judges
4. Superintendents attached with Sessions Courts
5. Law Officers – Attorneys
6. Members of the Bar
7. ✓ Others (specify) Qazis and Family Judges.

B. Mark the class of judicial officials to whom the Academy regularly offers continuing/in-service training:

1. ✓ Civil Judges/Judicial Magistrates
2. Senior Civil Judges
3. Additional District & Sessions Judges
4. Superintendents attached with Sessions Courts
5. Law Officers – Attorneys
6. Members of the Bar
7. ✓ Others (specify) Qazis

C. For each class of judicial officials who received training at the Academy during the FY 2009-2010, specify;
   a. the number of courses (including conferences, workshops, seminars, symposia, lectures);
   b. the total number of participants in those courses;
   c. the duration of those courses (in terms of total number of person-days); and
   d. the total number of the respective class of officials in the Province.

Note: If different classes of judicial officials participated in a particular course, count that as one course for each of those classes.

a : 2 Courses . Civil Judges/Judicial Magistrates

b : 16 (Eight in year 2009 and 8 in year 2010).

c : Duration in year 2009 fifteen days and in year 2010 thirty days.

d : 16.

Sr. No.	Class	Number of Courses	Total Number of Participants	Duration (Total number of person-days)	Total number of officials in the Province
1	Civil Judges/Judicial Magistrates	2	16	15 days 2009 30 days 2010.	16 officials
2	Senior Civil Judges				
3	Additional District & Sessions Judges				
4	Superintendents attached with Sessions Courts				
5	Law Officers – Attorneys				
6	Members of the Bar				
7	Others (specify):				

D. During the FY 2009-2010, for each class of judicial officials, specify ('yes' or 'no') if they received training (as a separate course or as a component of a general course) specific to gender sensitisation, ADR, computer literacy, using online resources.

	Civil Judges/ Judicial Magistrates	Senior Civil Judges	Additional District & Session Judges	Superintendents of Sessions Courts	Law Officers – Attorneys	Members of the Bar	Others (specify):
Gender sensitisation							
ADR	Yes						
Computer literacy							
Using online resources							
Writing Skills	Yes						

E. Is there any class of judicial officials in the Province who, in your opinion, need training but are not covered by the statutory mandate of the Academy?

NIL

1. Do you think the Academy is satisfying the training needs of the judicial officials in the Province? If yes, how? If not, how and why?

The Balochistan Judicial Academy is a statutory body established under Act II of 2010. The Act obliges Balochistan Judicial Academy to spread quality legal and judicial education in the country especially in the province of Balochistan. The Academy organizes pre-Service and in-Service trainings for judicial officials. In future there is a plan to extend the duration of pre-Service training with further plan to conduct refresher Courses for in-service judicial officers.

(i) Since the statutory functions of the Academy and the Federal Judicial Academy overlap (see Annexure I for a detailed comparison), do you think the Federal Judicial Academy can take up some of the functions of the Academy, for example,
   a. in-service training for some classes of judicial officials, and/or
   b. some specialized courses such as those on the Constitution, Company Law, Islamic law, computer literacy, for a category of judicial officers i.e. who are seniors or have special aptitude for such subjects.

As suggested in sub-clause (b) some specialized courses including also Banking Laws, Intellectual Property, Sales Tax, Income Tax, Mercantile Law and Foreign Exchange preferably for District and Sessions Judges can be arranged by the Federal Judicial Academy.

11. Would such a collaborative arrangement as proposed in the previous question be more effective for the purposes of judicial education than the existing practice? If yes, how?

Specialized Courses as proposed in question no G (b) would be more effective for the purpose of Judicial education particularly for District and Sessions Judges to handle the day-to-day and future challenges/ problems.

1. Pakistan is a federation and all different provinces have various unique features. One of the prime functions of the Federal Judicial Academy is to promote provincial harmony.
   With particular focus on the aforementioned statement/objective, in your opinion, what additional courses should be run by the Federal Judicial Academy? And what features should be uppermost in these courses?

For this purpose in addition to proposal in question No 'G' courses regarding Pakistan Studied and Islamic Jurisprudence can be arranged simultaneously.

1. There is a proposal that the Judicial Academies should also run Courses/Workshops/Symposiums etc. for the Justices of the High Courts and the Supreme Court. What are your opinions and/or suggestions in this regard?

Usually, Advocates inducted directly in Higher Courts have little experience in Court Management, Office Management, Administrative Affairs, Financial/Budgetary Affairs and Computers skills. So this aspect of their job requires some further guidance